



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3768/2025**

GAUTAM KUMAR

.....Petitioner

Through: Mr. Shubham Singh, Mr. Aditya Singh and Mr. Kamal Kishor, Advocates

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

21.11.2025

%

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 0193/2025, registered on 23.07.2025 at Police Station Rajinder Nagar, Delhi for the commission of offence punishable under Section 376 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the case are that a complaint had been lodged by the complainant on 23.07.2025 alleging that she had met the applicant/accused in January/February 2023 at a library, where he had convinced her to invest money in the library for business purposes. It is alleged that in March 2023, the applicant had come to her flat at Old Rajinder Nagar and had forcibly established physical relations with her



without her consent. When she protested, the applicant had allegedly repeated his acts by blackmailing and threatening her, stating that he had secretly recorded her videos and photographs during the commission of the sexual assault. It is further alleged that the complainant became pregnant due to the said sexual relations and had been compelled by the applicant to undergo an abortion against her will at RML Hospital. She also alleged that owing to the continuous threats extended by the applicant, she had relocated to Nirankari Colony, Mukherjee Nagar, Delhi. According to the complainant, the applicant/accused had also circulated her videos and abortion reports to her relatives and had called her abusive and derogatory names. On these allegations, the present FIR was registered. The medical examination of the complainant was thereafter conducted, during which she gave history of sexual assault by the applicant. Her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was also recorded before the learned Magistrate, wherein she reiterated her allegations against the accused. The applicant herein came to be arrested on 16.08.2025.

3. The learned counsel appearing for the applicant contends that the complainant had been in a consensual relationship with the applicant. It is argued that the complainant was major at the time of the alleged incidents and that there were monetary transactions between the parties, regarding which the applicant had lodged complaints. It is submitted that after the applicant had issued a legal notice for recovery of money in April 2025 and had lodged complaints against the complainant with the concerned SHO and DCP in May and June 2025 respectively, the complainant, after nearly two years from the first alleged incident, had got this FIR registered against the



applicant in July 2025 with ulterior motives. It is further contended that the complainant had earlier lodged a false complaint in February 2025, pursuant to which officials of P.S. Mukherjee Nagar had called the applicant, and the matter was settled between the parties. Although the applicant does not possess copies of the said complaint or settlement, it is stated that no allegation of rape had been made against him therein. The learned counsel additionally submits that the mere pendency of other criminal cases against an individual cannot, by itself, be a ground to deny bail. It is also pointed out that the applicant has remained in judicial custody for over three months. On these grounds, it is prayed that the applicant be enlarged on bail.

4. On the other hand, the learned APP for the State, assisted by the learned counsel for the complainant, opposes the application and draws the Court's attention to the fact that two other FIRs are pending against the applicant – FIR No. 635/2022 under Sections 66E and 66C of the IT Act and Sections 420/421/506/504/323 of IPC, registered at Police Station Kotwali, Sitapur, Uttar Pradesh; and FIR No. 148/2016 under Section 354D IPC and Sections 66C/66D of the IT Act, registered at Police Station West Sector 11, Chandigarh. It is submitted that the allegations in the present case are serious in nature and that, considering the fact that matter is at an initial stage, no ground for grant of bail is made out.

5. This Court has **heard** arguments addressed on behalf of the applicant, complainant and the State, and has perused the case file.

6. The brief allegations against the applicant are that in March 2023, he had forcibly established physical relations with the complainant at her flat and thereafter repeated the acts by threatening and blackmailing her with



allegedly recorded videos of the said sexual assault. It is further alleged that she became pregnant due to the forced relations and was compelled to undergo an abortion against her will, and that the applicant later circulated her videos and medical records to her relatives. The complainant reiterated these allegations in her medical examination and in her statement under Section 183 of BNSS.

7. This Court notes that during the course of investigation, notice was issued to the concerned laboratory regarding the complainant's medical records relating to pregnancy and abortion. The laboratory submitted its reply through its Operation Manager and provided the relevant report, which corroborated the fact that the complainant had undergone abortion.

8. Further, the mobile phone of the applicant was seized during investigation. Certain photographs of the complainant with the applicant were found saved in the device. The mobile phone of the accused has been sent to the FSL for examination, and the report *qua* the same is awaited.

9. This Court also notes that the allegations against the applicant include the creation of multiple fake Instagram, Facebook, and Telegram IDs, using which he had allegedly sent abusive messages and circulated false and derogatory information concerning the complainant to her acquaintances. While dismissing the applicant's earlier bail application on 11.09.2025, the learned Trial Court had already observed that the Investigating Officer was required to properly verify and investigate the allegations relating to the creation of the fake social media accounts and the dissemination of objectionable material.

10. It is further not in dispute that two other FIRs are pending against the



applicant for commission of offences under IPC and IT Act – one involving allegations of cheating, criminal intimidation, identity theft, violation of privacy, and other concerning allegations of stalking and use of forged electronic identities/identity theft, etc.

11. Considering the overall facts and circumstances of the case, the nature of the allegations, the material collected during investigation, the fact that the FSL report is still awaited, that charges are yet to be framed, and that the complainant is yet to be examined, this Court is not inclined to grant regular bail to the applicant at this stage.

12. The bail application is, accordingly, dismissed.

13. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 21, 2025/ns