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

+ **BAIL APPLN. 3904/2025**

KUNDAN KUMAR

.....Petitioner

Through: Mr. S.S. Rajore and Mr. Javed Khan,
Advocates.

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State.
Mr. Sumit Kumar, Advocate for R-2.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

14.10.2025

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1. By way of the present petition, the petitioner is seeking grant of anticipatory bail in case arising out of FIR bearing no. 424/2025, registered at Police Station Bindapur, Delhi, for the commission of offences punishable under Sections 376/406 of Indian Penal Code, 1860 (hereafter 'IPC').
2. Issue notice. The learned APP accepts notice on behalf of the State.
3. Briefly stated, the facts of the present case are that in April 2021, the complainant, employed as a Branch Manager with Muthoot Finance Ltd., Rampura, became acquainted with the applicant Kundan Sharma, and both began conversing regularly. It is stated that the applicant had proposed marriage to her and on 18.06.2021 had invited her to his residence on the pretext that his sister and brother-in-law wished to meet her. However, upon reaching there, she found only the applicant present, who offered her food



and a cold drink which rendered her unconscious. On regaining consciousness, she allegedly found herself nude and realized that the applicant had established physical relations with her without consent. It is further stated that when she protested, he pacified her by promising marriage and falsely representing himself as an Income Tax Officer. Thereafter, as stated, the applicant had taken her SBI credit card on the pretext of availing discounts and continued sexual relations with her under the false promise of marriage, thereby obtaining about Rs. 85 lakhs between June 2021 and April 2024, of which Rs. 52 lakhs had admittedly been returned. Further, it is stated that on 19.01.2022, the applicant had invited the complainant to his new residence for a *grah pravesh* when he had introduced her to his family. Allegedly, on 02.05.2022, a ring ceremony between the two had been held at the complainant's residence. Furthermore, it is stated that in August 2022, the complainant discovered that the applicant had been married to one 'N'; when confronted, he claimed it to have been forced, asserting that he would soon divorce her. However, instead, he began threatening the complainant, asserting that no police action could be taken against him and that he would circulate her nude photographs. As stated, despite repeated requests, the applicant has neither returned her money nor deleted her photographs, leading to registration of the above-captioned FIR. It has been also alleged that a sum of Rupees Thirty Lakhs Twenty thousand still stands unpaid, and a complaint under Section 138 of the NI Act stands pending in respect thereto.

4. The learned counsel appearing on behalf of the applicant argues that the applicant has falsely been implicated in the present case. It is argued that the present FIR has been registered after a delay of four years from the



incident dated 18.06.2021, the delay remaining wholly unexplained. Moreover, it is contended that neither is there any medical evidence, nor any other incriminating material to support the complainant's assertion that the applicant had committed rape upon her. It is further pointed out that the applicant and the complainant had been mere friends since 2021 and that the complainant has erroneously given a civil case- essentially a financial dispute qua them, a criminal colour by lodging the present proceedings. As argued, a case under Section 138 of the NI Act is also pending before the learned Trial Court, in respect of Rs. 31,20,000/-, which in itself, is an illegal demand. In this regard, it is further contended that the applicant has already paid a sum of upto Rs. 80,00,000/- to the complainant through online mode. Additionally, it is argued that the brother of the complainant had snatched the scooty of the applicant on account of the above said financial dispute. *Lastly*, It is argued that the applicant is ready to join the investigation as and when required and there is no other criminal case pending against him; thus, the applicant be granted anticipatory bail.

5. The learned APP appearing on behalf of the State, on the other hand, opposes the present application and argues that the allegations *qua* the applicant-accused are very grave and serious in nature. It is argued that the statement of the complainant-prosecutrix recorded under Section 183 of the BNSS, coupled with the WhatsApp chats between the complainant and the applicant as well as between the complainant and applicant's first wife, Miss 'N', constitutes a cogent evidentiary material to *prima facie* establish the allegations against the applicant. Further, it is argued that the record showcases applicant's *prima facie* involvement in similar incidents in past with several girls by duping them and indulging into sexual relations with



them. It is further contended that the applicant had contracted a second marriage with one Miss 'P' during the subsistence of his first marriage wherefrom he has had a two year old child. In this regard, reliance is also placed on the statement of Miss 'P' as recorded under Section 180 of BNSS, eventually corroborated by her own admissions before this Court in person, to contend that *firstly* the applicant is a habitual offender and *secondly* to highlight the modus operandi adopted by him in orchestrating the offence in question- by intoxicating them, duping them financially and then engaging in relations with them- on the pretext of a false promise to marry, which necessitates a thorough investigation. Thus, it is prayed that the present application be rejected.

6. This Court has **heard** arguments addressed on behalf of the applicant and the learned APP for the State and has perused the material on record. Having given a **thoughtful consideration** to the record, this Court finds that the investigation in the present case has revealed that the complainant has been known to the applicant since 2021, who had introduced himself as an Income Tax officer. Allegedly, on 18.06.2021, the applicant had called the complainant to his residence, had intoxicated her before establishing sexual relations with her. Subsequently, as alleged, there has been a consistent indulgence by the applicant in maintaining sexual relations with the complainant, primarily on the pretext of marrying her and by financially duping her, which has been followed by repeated acts of sexual relations at the hands of the applicant coupled with threats of publishing her nude photographs available with the applicant. The record further reveals that a ring ceremony had been entered into between the applicant and the complainant on 02.05.2022, though, he was already married to Miss. 'N' at



that time, but he had not disclosed this to the complainant. It also emerges from the record that it was pursuant to her ring ceremony that the complainant had learnt about the applicant's marriage with one Miss 'N', which fact, upon her eventual confrontation with the applicant, was confirmed. The statement of the complainant recorded under Section 183 of BNSS corroborates the allegations.

7. Furthermore, this Court finds that the applicant had admittedly entered into a second marriage as well with Miss 'P', who is present in person before this Court, during the subsistence of his first marriage from which he now has a two year old daughter. This Court has gone through the statement of Miss 'P' recorded under Section 180 of BNSS which details as to how the applicant had similarly represented himself to be an income tax officer and, on that pretext, had induced her to marry him by building her trust in him, without informing her of his prior marriage. It also records as to how the applicant had thereafter taken loans by misusing the credit card of Miss 'P', in respect of which she is now being forced to pay EMIs, while the applicant has cleverly retained the card with himself. This set of circumstances, in view of this Court, *prima facie* aligns with the complainant's assertions. In this regard, this Court also observes that the statement of the complainant recorded under Section 183 of the BNSS as referred above categorically specifies that Miss 'P' herself had shared as to how the applicant had duped several other girls and forced them into establishing sexual relations with him in a likewise fashion, thereby again lending *prima facie* credence to the complainant's allegations.

8. Additionally, as regards the *modus operandi* adopted by the applicant, this Court finds that it is specifically alleged that the applicant had taken



loans of upto 85 lakhs rupees from the complainant from June 2021 to April 2024, and even thereafter, out of which some sum has admittedly been repaid; however, an amount to the tune of Rs. 31,20,000/- stands unpaid, in which respect a complaint under Section 138 of the NI Act, presently pending adjudication before the learned Trial Court, has been filed at the instance of the complainant. *Notably*, it has been consistently alleged that the applicant had taken two credit cards belonging to the complainant, misused them to enter into varied transactions in the name of the complainant, which cards continue to be in the applicant's possession and have still not been returned to the complainant, as also *prima facie* evidenced by the statement of the complainant recorded under Section 183 of BNSS. Further, a perusal of the WhatsApp chats between the complainant and the applicant as well as the ones between the complainant and the applicant's first wife, Miss 'N', placed on record, apart from *prima facie* supporting the above stated allegations, suggests that the complainant had repeatedly endeavored to ensure the repayment of her money by stating the financial hardships and the consequent mental distress that had fallen upon her by applicant's alleged activities; however, as it appears, the applicant, far from expressing any willingness to repay the same, had brazenly denied the same. Therefore, in the considered view of this Court, in face of the stated allegations, the contention on behalf of the applicant that the case is merely a civil case which has been given a criminal colour with a *mala fide* intent by the complainant, appears unmerited and *prima facie* unsubstantiated. Also, the contention on behalf of the applicant that Rs. 31,20,000/- is being illegally claimed by the complainant cannot be conceded to at this stage as the same is a subject matter of trial before the



learned Trial Court.

9. In the above backdrop, this Court reiterates that the allegations against the applicant undoubtedly appear to be serious in nature, *prima facie* supported by the material placed on record. More importantly, given that the investigation of the case is still at a nascent stage, the applicant has been alleged to be a habitual offender with a serious record of prior incidents of similar nature *qua* him in respect of other victim-girls, the credit cards belonging to the complainant allegedly continue to be in applicant's possession, coupled with the fact that certain other items/articles crucial to ascertain the trails of financial transactions admittedly entered into between the complainant and the applicant at the relevant point of time are yet to be recovered, the custodial interrogation of the applicant is essential at this stage.

10. Thus, in view of the foregoing circumstances, this Court is not inclined to grant anticipatory bail to the applicant.

11. The present application, therefore, stands dismissed.

12. The application accordingly stands disposed of in the above terms.

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

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 14, 2025/vc