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

+ **BAIL APPLN. 3997/2025**

ADITYA CHAUHAN

.....Petitioner

Through: Mr. Utkarsh Bhargava, Mr. Ajay
Pochawi, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Mansi, Insp. Madan Meena,
PS Maurya Enclave.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.12.2025

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1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks pre-arrest bail in proceedings arising from FIR No. 358/2025 registered under Section 64(1)/75 of the Bharatiya Nyaya Sanhita, 2023² at P.S. Maurya Enclave.

2. On 17th October, 2025, after hearing both sides, this Court granted interim protection to the Applicant and directed him to join investigation forthwith:

“CRL.M.A. 31170/2025 (Exemption from filing certified copies)”

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

¹ “BNSS”

² “BNS”



BAIL APPLN. 3997/2025

4. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023³ seeks pre-arrest bail in proceedings arising from FIR No. 358/2025 registered under Section 64(1)/75 of the Bharatiya Nyaya Sanhita, 2023 at P.S. Maurya Enclave.

5. The present FIR has been registered pursuant to a complaint filed by the prosecutrix. She states that she initially became acquainted with the Applicant at Hardy Gym, following which they exchanged contact details and connected on Instagram. In December 2024, the parties met in Gurugram, where she admits to having engaged in consensual intimate acts with the Applicant. However, she alleges that, thereafter, the Applicant began blackmailing her, frequently visiting her residence, subjecting her to abuse, and coercing her into maintaining a physical relationship. She further claims that on 25th August, 2024, the Applicant allegedly forced her to meet him under threat, during which he physically assaulted her and touched her inappropriately.

6. Counsel for the Applicant contends that the relationship between the parties was consensual. He further argues that the parties continued to meet on several occasions even after the alleged incident, the details of which have already been provided to the Investigating Officer.

7. Conversely, the counsel representing the prosecutrix relies on certain WhatsApp conversations between the parties to assert that the Applicant had been threatening and blackmailing her. He further argues that since the Applicant resides in the same locality, there exists a strong apprehension that he may again attempt to threaten or intimidate the prosecutrix.

8. The Court has heard the aforementioned contentions. Counsel for the Applicant has affirmed that the Applicant is ready to join the investigation. Accordingly, it is directed that Applicant shall appear before the concerned Investigating Officer tomorrow at 04:00 PM, and further as and when required.

9. Issue Notice. Mr. Hemant Mehla, APP for the State, accepts notice. The State is directed to file a status report verifying the details furnished by the Applicant as well as by the Complainant.

10. In the meantime, it is directed that the Applicant shall not contact the prosecutrix or any of her family member through any mode.

11. Till the next date of hearing no coercive action shall be taken against the Applicant.

12. Furthermore, in view of the apprehension raised by the counsel for the prosecutrix, the counsel for the Applicant voluntarily submits that the Applicant shall not stay at his present residence and, during this period, will reside with his aunt in Gurugram. His undertaking is taken on record. The address of the said residence shall be furnished to the Investigating Officer.

³ “BNSS”



13. *Re-notify on 1st December, 2025.*”

3. Pursuant thereto, as recorded in the Status Report, the Applicant had joined investigation and did not contact the prosecutrix or any of her family member. His mobile phone has been seized; hotel booking details provided by him have been verified; and his potency test has been conducted by BSA Hospital, Rohini. The prosecutrix’s statement under Section 183 BNSS has been recorded, and her mobile phone has been taken into possession. No further recovery is pending.

4. The Court has heard counsel for the parties and perused the record. At this stage, the Court is not required to return findings on the competing versions of the parties. The FIR and the statement of the prosecutrix under Section 183 BNSS allege blackmail, coercion and non-consensual sexual intercourse on specific occasions. The defence asserts a consensual relationship. These are factual disputes that turn on intention, conduct, and credibility, which must be adjudicated at trial on the basis of evidence.

5. The Applicant has remained on interim protection and has cooperated with the investigation. The State has not indicated any further need to interrogate the Applicant in custody for the purposes of investigation. Further, the apprehensions of the prosecutrix regarding intimidation and contact can be addressed through conditions rather than through incarceration, particularly when arrest would serve no investigative purpose at this juncture.

6. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking



anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.⁴

7. In view of the foregoing, the application is, allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant along with his relatives and friends shall not contact the Prosecutrix or any of her family members by any mode;
- d. In the event of any complaint of threat or harassment by the prosecutrix or her family, the same shall be immediately reported to the IO, who shall make a DD entry and enquire into the same;
- e. The Applicant shall continue to reside at the alternate address furnished pursuant to the order dated 17th October, 2025 and shall provide any change of address to the IO in advance.
- f. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

8. It is clarified that breach of any of the above conditions, or any verified act of harassment or contact with the prosecutrix or her family, will entitle the State to move for cancellation of bail.

9. It is further clarified that the observations herein are only for deciding

⁴ *Gurbaksh Singh Sibbia and Others v. State of Punjab*, (1980) 2 SCC 565; *Siddharam Satlingappa Mhetre v. State of Maharashtra and Others*, (2011) 1 SCC 694.



the present bail application and shall not influence the trial.

10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 1, 2025
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