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

+ **BAIL APPLN. 4039/2025**

RAHUL SHARMA

.....Petitioner

Through: Mr. Paras Bajpai, Mr. Anand Kumar
Singh and Mr. Rohit Kumar,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Ms. Amisha Dahiya,
Advocate
Mr. Gaurav Parashar, Advocate for
the complainant.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

09.12.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 346/2025, registered at Police Station Vasant Kunj South, Delhi for the commission of offence punishable under Sections 69 of the Bharatiya Nyaya Sanhita, 2023 ((hereafter 'BNS') and Section 376 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the facts of the present case are that the complainant had alleged that in November 2022, she had received a marriage proposal from the present applicant through a matrimonial website, which she had accepted. Thereafter, both had started communicating and meeting each other. The complainant had stated that she had clearly informed the applicant about her job profile, salary, and income, and that at the relevant



time, the applicant had been working in Noida. It is alleged that after a few meetings, they developed an intimate relationship and began residing together at L-144, Mahipalpur, Gali No. 9, from March 2023 till August 2023, and thereafter, though they stayed in separate accommodations, their physical relationship continued. The complainant has further alleged that the applicant had introduced her to his family members, including his mother, brother, and sister, for the purpose of marriage, and that in October 2024, the marriage process had been initiated after matching horoscopes. It is further alleged that despite having cohabited with the complainant and repeatedly assuring her of marriage, the applicant had subsequently refused to marry her. On 3rd August 2025, their last physical relationship had taken place at Brij Vihar and thereafter, the applicant had severed all contact and blocked her. The complainant had then lodged a complaint at PS Vasant Kunj, where, despite giving assurances, the applicant had not honoured his commitment to marry her. The complainant has further alleged that thereafter, the applicant had started blackmailing her, demanding money in the name of marriage, and had been threatening and defaming her. She has alleged that the applicant had established a physical relationship with her on the false pretext of marriage, coerced her to live with him, and later refused to fulfill his promise, thereby causing her mental and emotional distress.

3. The learned counsel for the applicant has argued that the FIR has been registered by the complainant due to a misunderstanding arising out of a personal dispute between the parties. It is submitted that the applicant has neither refused to marry the complainant nor retracted from his commitment; rather, he has always been ready and willing to solemnize the marriage. The learned counsel contends that the marriage had only been



delayed as the applicant's father has been suffering from cancer, due to which the family could not proceed with the marriage formalities at the relevant time. It is further submitted that the complainant, under emotional distress and due to a monetary dispute, has filed the present complaint leading to the registration of the FIR. It is argued that the applicant has been falsely implicated, as the relationship between the parties had been consensual throughout and not based on any false promise of marriage. The families of both parties were aware of their relationship and had also been in discussions regarding their marriage. The learned counsel further submits that the applicant is a law-abiding citizen, not previously involved in any criminal case, and there is no likelihood of his absconding or tampering with evidence. It is, therefore, prayed that the applicant be released on bail, as no custodial interrogation is required and his continued detention would serve no useful purpose.

4. The learned APP for the State, on the other hand, argues that the allegations against the present applicant are of a serious nature, involving repeated sexual relations established on the false pretext of marriage. It is contended that the complainant has clearly stated that the applicant had induced her into a physical relationship by assuring marriage, introduced her to his family to gain her confidence, and thereafter, deceitfully refused to marry her after several months of cohabitation. It is further argued that the applicant's conduct shows deliberate deception and exploitation of the complainant's trust and emotions. It is further submitted that the present applicant has never specified his intention to marry on a specific date. The learned APP contends that granting bail at this stage may prejudice the fair investigation of the case and may also embolden the accused to influence the



complainant or tamper with evidence. Hence, it is prayed that the present application be dismissed.

5. This Court has **heard** arguments submissions advanced by the learned counsel for the applicant and the learned APP for the State, as well as the material placed on record.

6. The allegations in the present case pertain to the alleged physical relationship between the complainant and the applicant on the pretext of marriage. The FIR has been registered on the complaint of the complainant, who had alleged that the applicant had induced her into a physical relationship by promising marriage and later refused to marry her.

7. This Court notes that the complainant and the applicant had met through a matrimonial website in November 2022, and thereafter, had developed personal relationship and were physically involved with each other. The parties had, by their own admission, lived together at several places including Mahipalpur and Brij Vihar, for a considerable duration extending over a period of more than three years. During this time, they had cohabited as a couple, introduced each other to their respective families, and had been in continuous contact with the shared intention of marriage.

8. This Court further takes note of the statement of the complainant recorded before the learned Sessions Court on 18.09.2025, wherein she had categorically stated that she had no objection if the accused is granted bail, provided that he specifies a particular date for their marriage, as he had been delaying the matter on one pretext or another.

9. The learned counsel for the applicant has submitted before this Court that the applicant has never refused to marry the complainant, and that the delay in formalizing the marriage had occurred only because the applicant's



father has been suffering from cancer and undergoing treatment, due to which the family was unable to fix a date. It is further submitted that the applicant is willing to honour his commitment, and the present FIR is result of a misunderstanding that arose from this delay.

10. This Court notes that the relationship between the parties was admittedly consensual in nature, and the complainant continued to live with the applicant for a long period of time. The entire tenor of the complaint indicates a relationship that had developed voluntarily and continued for several years, with the knowledge and involvement of both families.

11. The Court further observes that the chargesheet has already been filed in the present case and the applicant has already been in judicial custody for more than 3 months. It is also noted that no further custodial interrogation of the applicant is necessary. The applicant has clean antecedents and is not involved in any other criminal case.

12. Having regard to the totality of the facts and circumstances of the case, the nature of allegations, *prima facie* consensual nature of the relationship, the complainant's own statement before the learned Sessions Court, and that the chargesheet has already been filed, this Court finds no justification for further detention of the applicant in judicial custody pending trial which will take time to conclude.

13. Accordingly, the present bail application is allowed. The applicant/accused is directed to be released on regular bail upon furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior



permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.

- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
14. Accordingly, the present bail application stands disposed of.
15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 09, 2025/vc

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