



2025:DHC:11068



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

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*Judgment reserved on: 03.12.2025**Judgment pronounced on: 09.12.2025**Judgment uploaded on: 09.12.2025*+ **BAIL APPLN. 4049/2025****PRABHAT KUMAR**

.....Petitioner

Through: Ms. Vijay Laxmi Chopra,
Advocate

versus

**THE STATE OF GOVT. NCT OF DELHI
& ANR.**

.....Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State with Mr.
Chetan Dahiya, Advocate.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The applicant has preferred this application, seeking grant of regular bail in case arising out of FIR bearing no. 33/2025, registered at Police Station Crime Women Cell Nanak Pura, Delhi, for the commission of offence punishable under Sections 498A/406/377/376/506 of the Indian Penal Code, 1860 [hereafter 'IPC'].

2. The brief facts of the case are that on 03.03.2025, the complainant had submitted a written complaint alleging dowry



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demands, physical and mental cruelty, as well as sexual assault by her husband, i.e. the applicant herein. On the basis of her complaint, counselling and mediation proceedings had been initiated, but the same had failed. Thereafter, the present FIR was registered, and investigation was taken up. As per her complaint dated 11.02.2025, the complainant 'B' had alleged that the accused/applicant, Prabhat Kumar, had deceitfully induced her into a relationship on a false promise of marriage. She had come into contact with him in April 2022 while working at an Aadhaar Centre, during which he had developed intimacy with her on the basis of the assurance of marriage and thereafter had established physical relations against her will. Despite her objections, he had coerced her into sexual acts and had repeatedly pacified her by promising to marry her. It is alleged that on 06.07.2023, they had got married at Vedic Arya Mandal Trust, Ghaziabad, and the marriage was duly registered. She had started cohabiting with the accused on 01.08.2023 at a rented accommodation in Ashok Nagar, Tilak Nagar, Delhi. During this period, the accused had allegedly taken away her jewellery and her scooty without her consent. On 07.02.2025, she had discovered photographs in his mobile phone which revealed that he had concealed his prior marriage and the fact of having a child. She further alleged that the accused had threatened to circulate her private videos and ruin her reputation if she approached the police or any legal authority. It is stated that her complaint was accompanied by supporting documents, including the marriage certificate,



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photographs, the rental agreement, and the RC of the scooty.

3. During investigation, the complainant's medical examination was conducted at Safdarjung Hospital *vide* MLC No. 14217 dated 07.06.2025. Statements of the complainant and her parents were recorded under Section 180 of BNSS on 09.06.2025, and her statement under Section 183 of BNSS was recorded before the learned Magistrate on 10.06.2025. The marriage certificate of the complainant and the accused was verified. A notice under Section 94 of BNSS was also served upon the complainant, and in response, she had produced one jewellery bill and two photographs showing her wearing the gold jewellery allegedly given by her mother and relatives at the time of her wedding, as well as the photograph of the scooty.

4. The applicant herein was arrested on 22.07.2025. Chargesheet was filed after completion of investigation on 27.08.2025. Supplementary chargesheet was filed 18.11.2025

5. The learned counsel appearing for the applicant argues that the relationship between the parties had been consensual from its inception. It is argued that the complainant, being a major, had willingly accompanied the applicant to various places and hotels prior to their marriage on 06.07.2023, which clearly reflects that there was no element of coercion or inducement amounting to an offence under Section 376 of IPC. It is further contended that after their marriage, the parties had cohabited peacefully in a rented



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accommodation till 2025, which again demonstrates the voluntary and consensual nature of their relationship. The learned counsel submits that the complainant was fully aware, even in 2022, of the applicant's previous marriage, yet she had voluntarily chosen to marry him on 06.07.2023 and thereafter lived with him as husband and wife. The learned counsel also submits that the money allegedly borrowed from the complainant, as well as the scooty, has already been returned by the applicant. It is further submitted that chargesheet and supplementary chargesheet have already been filed and further custody of the applicant is unwarranted. On these grounds, it is prayed that the applicant be granted bail.

6. The learned APP for the State, on the other hand, argues that the applicant had deliberately misrepresented material facts and had induced the complainant into the relationship on a false belief that he was unmarried and intended to marry her. It is argued that the applicant had concealed the fact of his prior marriage and had led the complainant to believe that she was his legally wedded wife. It is further submitted that the complainant, acting under this false impression created by the accused, had thereafter maintained physical relations with him; *however*, the consent of the complainant was vitiated by the accused's deception, and the allegations disclosed the commission of alleged offences including the offence under Section 376 of IPC. It is therefore prayed that the present bail application be dismissed.



7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material placed on record.

8. In the present case, the complainant has alleged that the applicant had induced her into a relationship and established physical relations with her on the false assurance of marriage while concealing his prior subsisting marriage. She has further alleged that after their marriage, the applicant had subjected her to physical and mental cruelty, took away her jewellery and scooter without consent, and threatened to circulate her private videos if she approached the police.

9. This Court is of the view that it is *prima facie* evident that the applicant herein had not disclosed to the complainant the fact that he was already married to one 'M' and had a child from that marriage. Had there been even *prima facie* material to suggest that the complainant was aware of his first marriage, the case could have been viewed as one arising out of a consensual long-term relationship between two adults. However, the record before this Court does not indicate any such knowledge on the part of the complainant. The contention of the learned counsel for the applicant that even if bigamy is presumed, it would make the offence less serious, cannot be accepted in the peculiar facts of this case. The applicant himself does not dispute that he had been married earlier and had a child from his first marriage. It is also not disputed, even in the bail application,



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that he had established physical relations with the complainant and had thereafter married her. It also stands admitted that the applicant had married the complainant on 06.07.2023 at Vedic Arya Mandal Trust, Ghaziabad, and that the marriage was subsequently registered at the Marriage Registration Office, Ghaziabad. The complainant has further alleged that a second social ceremony was performed at a temple on 27.09.2023. The photographs of the marriage between the complainant and the applicant, submitted to the Investigating Officer by the complainant, have been perused by this Court and are not disputed by the learned counsel for the applicant.

10. Further, during investigation, the marriage certificate of the applicant with his first wife 'M' was produced by the accused himself and the same was verified by the I.O. from Arya Samaj Vedic Sanskar Trust, Rajinder Market, Tis Hazari, Delhi. These facts *prima facie* show that the applicant not only concealed his first marriage from the complainant but also may have furnished a false affidavit at Arya Samaj Mandir and/or at marriage registration office, declaring himself unmarried, as disclosure of his subsisting marriage would have prevented the solemnisation and registration of his second marriage.

11. The complainant in the present case has consistently alleged that she had initially seen the name of the applicant's first wife 'M' tattooed on his back and, when questioned, he had falsely informed her that it was the name of his niece. According to the complainant,



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she came to know of the applicant's earlier marriage only on 07.02.2025, when she found her photographs in his mobile phone.

12. Furthermore, the FSL report regarding the mobile phone of the applicant also supports the prosecution's case, as the said device was found to contain certain inappropriate photographs and videos of the complainant. This corroborates her allegation that the applicant had threatened to circulate those images if she approached the police or any authority. It is also not disputed that the scooter alleged to have been taken by the applicant was recovered from him and has since been released to the complainant.

13. The charges in the present case are yet to be framed, trial is yet to commence, and the testimony of the complainant before the Trial Court is yet to be recorded. At this stage, considering the overall facts and circumstances, including the nature of allegations and the material collected during investigation, this Court does not find any ground to grant bail to the present accused.

14. Accordingly, the present bail application stands dismissed.

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

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 09, 2025/zp