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

+ **BAIL APPLN. 4247/2025**

SUNIL

.....Petitioner

Through: Mr. Akshya, Ms. Tabassum,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State
with WSI Bimla, PS Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 1069/2024 registered under Sections 376/506 of the Indian Penal Code, 1860³ at P.S. Shahbad Dairy. A chargesheet, *inter alia*, against the Applicant, for the offences under Section 376/328/506/323/34 IPC has also been filed.

2. The prosecutrix, alleges that while living separately from her husband, she came in contact with the Applicant Sunil, who introduced himself as a manager in a private company and, on that pretext, induced her to lend him ₹5 lakhs in November 2022. On 30th November 2023, the accused visited her rented accommodation at Shahbad Dairy on the assurance of returning the money, administered an intoxicating substance to her, and sexually assaulted her, while she was unconscious. Upon regaining consciousness, the Applicant allegedly informed her that he had committed

¹ "BNSS"

² "Cr.P.C."



similar sexual acts upon her earlier as well. He allegedly recorded the act, blackmailed her with threats of circulating the video and sexually assaulted her multiple times subsequent to this event. On 23rd December, the prosecutrix discovered that she had conceived, whereafter the subject FIR was lodged. The Applicant was apprehended and arrested, medical examinations of both the prosecutrix and the Applicant were conducted, and forensic analysis, including DNA examination, confirmed the match between the Applicant and the foetus. The prosecutrix's statement under Section 164 Cr.P.C. has been recorded, relevant electronic devices have been seized, and the charge-sheet has been filed.

3. Mr. Akshya, counsel for the Applicant, submits that the Applicant has been falsely implicated and that the allegations arise out of a consensual relationship between the parties which subsequently turned sour. In support of this, it is pointed out that the Applicant and the prosecutrix executed a joint affidavit dated 18th November, 2023, acknowledging that they were in a live-in relationship and had mutually agreed to part ways. Reliance is also placed on certain photographs on record, which depict a cordial relationship between the parties. The Applicant has been in custody for nearly two years, the investigation is complete and chargesheet stands filed. The trial is likely to take considerable time, as only the prosecutrix has been partially examined out of twelve prosecution witnesses. He also points out the unexplained delay of nearly one month in lodging the FIR and the first alleged incident. The Applicant has clean antecedents and roots in society, and there is no likelihood of his absconding or tampering with evidence. In these circumstances, continued incarceration would amount to pre-trial

³ "IPC"



detention, and the Applicant deserves to be enlarged on bail.

4. Mr. Hitesh Vali, APP for the State, opposes the Application and submits that the allegations against the Applicant disclose the commission of serious and heinous offences. The material on record *prima facie* indicates that the accused exploited the prosecutrix's vulnerable condition, gained her confidence, extracted a sum of INR 5,00,000/- and thereafter subjected her to sexual exploitation and intimidation, which demonstrates a calculated and premeditated criminal mindset. The DNA examination of the foetus has revealed a genetic match with the Applicant, corroborating the version of the prosecutrix. Applicant's release is likely to cause fear, trauma and a sense of insecurity to the victim, thereby adversely impacting her ability to depose freely and fearlessly before the Court.

5. The Court has considered the facts and the submissions advanced. The present FIR came to be lodged after a delay of nearly one month from the date of the first alleged incident. While delay by itself is not fatal in cases of sexual offences, the same is a factor which ordinarily requires explanation and is a matter to be examined at trial. Coupled with this, the joint settlement affidavit dated 18th November, 2023, executed prior to the registration of the FIR, *prima facie* point towards a prolonged relationship, the precise nature of which would necessarily be a matter of evidence.

6. As per the nominal roll, the Applicant has undergone nearly 2 years of incarceration. He has no criminal antecedents. The investigation stands completed, the charge-sheet has already been filed, and the material evidence, including electronic devices, has been seized. The trial is likely to take considerable time, as only one prosecution witness has been partially examined out of twelve cited witnesses.



7. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

8. Having regard to the delay in registration of the FIR, the existence of material indicating a prolonged relationship between the parties, the period of custody, completion of investigation and filing of the charge-sheet, this Court is of the view that continued incarceration of the Applicant is not warranted. The apprehensions expressed by the State can be adequately addressed by imposing appropriate conditions.

9. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

g. The Applicant shall report to the concerned P.S. on the first Friday of every third month;

h. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.

10. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 23, 2025/ab