



2025:DHC:11177



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4271/2025 & CRL.M.A. 33085/2025

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Date of Decision: December 09, 2025**MOHAMMAD SHAHID IQBAL**

.....Applicant

Through: Mr. Ghanshyam Sharma,
Mr. Vikas Sharma, Mr.
Lakshya Mahajan & Ms.
Shivangi Chand, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.
WSI Sita Kumari, PS
Chandni Mahal.
Mr. Kunal Narang, Ms.
Shazia & Ms. Shoaiba
Ateen, Advs. for
complainant along with
complainant.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed seeking regular bail in FIR No. 17/2025 dated 09.01.2025 for offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), registered at Police Station Chandni Mahal.
2. Briefly stated, FIR in the present case was registered pursuant to a complaint made by the prosecutrix. It is alleged that in the year 2018, the prosecutrix came in contact with the applicant

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at a chemist shop and they both exchanged numbers, eventually becoming good friends. It is alleged that in the year 2019, the applicant went to Haj and made a video call from there to the prosecutrix, offering Nikah to her. It is alleged that the prosecutrix believed his proposal to be genuine and agreed to the same. It is alleged that after returning from Haj, the applicant told the prosecutrix to tell her family members that they had entered into Nikah in the presence of Allah. The family members of the prosecutrix also allegedly accepted their marriage. It is alleged that the applicant made physical relations with the prosecutrix on multiple occasions. It is alleged that whenever the prosecutrix would ask the applicant to show her their Nikahnama, he would make excuses and never show her the same.

3. It is alleged that in the year 2020, the applicant went to the prosecutrix's house along with his brother and demanded money and jewellery from her to start a business but she refused for the same. It is alleged that thereafter one day, when the complainant came back from the market, she saw the applicant and his brother taking her jewellery weighing 750gm from her cupboard. It is alleged that when the complainant asked the applicant to not take her jewellery, he threatened to leave her and dissolve their marriage, and thereafter the applicant and his brother took away all her jewellery.

4. It is alleged that thereafter, when the applicant needed money, he pressured the complainant to sell her property to one Rashid for a consideration of ₹25,00,000/-. It is alleged that the



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applicant took the complainant to live in a rented house, where he would beat and abuse the complainant. It is alleged that on one day in June 2022, the applicant sent his friend Ajeej @ Sehjada to the said rented house and took the complainant's last gold set as he was in need of money.

5. It is alleged that the applicant sold another property of the prosecutrix situated in Ballimaran, Delhi to one Mehvish Mirza for an amount of ₹10,00,000, payment of which was collected by the applicant's brother and no money was given to the prosecutrix.

6. It is alleged that when the prosecutrix asked the applicant when he would return her jewellery, the applicant informed her that he had taken a loan from Muthoot Finance after mortgaging her jewellery and had already used the money. It is alleged that the applicant beat the prosecutrix and told her to forget about her jewellery. It is alleged that when the brothers of the prosecutrix intervened, the applicant flatly refused that he had ever married the prosecutrix.

7. It is alleged that when the complainant told the applicant that she would file a complaint against him, he threatened her that he would circulate obscene photos and videos of her and if need arises, he would kill her.

8. The statements of the brothers of the prosecutrix were recorded under Section 180 of the BNSS, in which they stated that one property situated in Daryaganj was sold jointly by the prosecutrix, her brothers, Nasiruddin and Zainul Abiddin, and their late brother's wife, Abida Begum, at the behest of the



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prosecutrix for ₹25,00,000/-. They stated that out of the said ₹25,00,000/- an amount of ₹6,00,000/- was received in the prosecutrix's account and an amount of ₹2,00,000/- was transferred from the prosecutrix's account by the applicant to his own account without her consent.

9. The applicant was arrested on 19.01.2025 and is in custody since then.

10. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

11. He submits that *vide* order dated 19.08.2025, the regular bail application of the applicant was dismissed as withdrawn with the liberty to file a fresh bail application after the examination of the prosecutrix. He submits that the statement of the prosecutrix has now been recorded by the learned Trial Court and she has been examined and discharged.

12. He submits that as per the allegations of the prosecutrix, the applicant offered to marry her on video call from Haj in 2019, however, the applicant had only gone to Haj on 19.07.2018 and had returned to India on 01.09.2018. He submits that the same is reflected through immigration stamps on the applicant's passport.

13. He submits that Rashid, who purchased the property of the prosecutrix situated in Daryaganj has categorically stated in his statement under Section 180 of the BNSS that he purchased the property of the prosecutrix for ₹25,00,000/- out of which ₹20,00,000/- was paid directly to the prosecutrix and the



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remaining ₹5,00,000/- was paid to her brothers.

14. He submits that the prosecutrix had stated in her statement under Section 180 of the BNSS that she had herself handed over her jewellery to the applicant and his brother, however, she has contradicted the aforesaid statement in her deposition stating that the applicant and his brother had removed her jewellery from her cupboard. He submits that the jewellery mortgaged by the applicant with Muthoot Finance belongs to him and he can furnish the bills for the same.

15. He submits that the prosecutrix has accepted in her deposition that the applicant was married at the time they met in the year 2018 and she was aware about the same.

16. He submits that no minimum punishment has been prescribed for the offence under Section 69 of the BNS and the applicant has been languishing in custody for the past eleven months.

17. He submits that the applicant is married and has three children, he is a permanent resident of Delhi and has deep roots in society. He submits that there is no likelihood of the applicant absconding or tampering with the prosecution evidence.

18. *Per Contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the present matter involves serious allegations and the case is at the initial stage of investigation, with several aspects yet to be uncovered and verified.

19. He submits that the applicant has previous antecedents and



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there is an apprehension that he may threaten or influence the two independent witnesses who are yet to be examined.

20. The learned counsel for the prosecutrix submits that the jewellery mortgaged by the applicant has been rightly identified by the prosecutrix as her jewellery.

21. I have heard the counsel and perused the record.

22. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

23. It is the case of the prosecution that the applicant has established physical relations with the prosecutrix on the false pretext of marriage. It is alleged that in 2019, the applicant travelled to Haj and made a video call to the prosecutrix and proposed marriage to her. Thereafter, he allegedly misrepresented to the prosecutrix and her family that they were already married while at the same time having no intention of marrying her. It is alleged that the applicant took the jewellery of the prosecutrix and mortgaged it with Muthoot Finance for his own benefit. It is also alleged that the applicant pressurised the prosecutrix to sell two of her properties and kept the sale consideration with himself.

24. It has been contended by the counsel for the applicant that



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the applicant had never gone to Haj in 2019 and instead had visited in 2018, so he could not have possibly proposed marriage to the prosecutrix from there in 2019. The passport of the applicant showing immigration stamps has also been annexed. The same does *prima facie* cast doubt on the allegation of the prosecutrix regarding the marriage proposal made by the applicant.

25. The status report filed by the State also indicates that Rashid, who purchased the property of the prosecutrix situated in Daryaganj has stated, in his statement under Section 180 of the BNSS that he had directly paid the consideration amount of ₹20,00,000/- to the prosecutrix and the remaining ₹5,00,000/- to her brothers. Moreover, it is the contention of the applicant that the jewellery mortgaged by the applicant belongs to him and he can furnish bills for the same.

26. It has also been pointed out by the learned counsel for the applicant that the prosecutrix had stated in her statement under Section 180 of the BNSS that she had handed over her jewellery to the applicant, however, the prosecutrix contradicted herself in her deposition stating that the jewellery had been taken from her cupboard by the applicant and his brother. The alleged discrepancies in the testimony of the prosecutrix cannot be looked into at this stage and would be tested during the course of the trial.

27. It is pertinent to note that the prosecutrix has admitted in her deposition that she was aware that the applicant was married when they met in the year 2018.

28. Whether the applicant made a false assertion to the



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prosecutrix that they were married in order to induce the consent of the prosecutrix for physical relations and usurped her properties and jewellery or not cannot be ascertained at this stage and the same is a matter of trial. However, considering the factors that the applicant was not present in Haj when the prosecutrix alleges he proposed to her, the discrepancies pointed out in the testimony of the prosecutrix, the statement made by the purchaser of the prosecutrix's property and the contention of the applicant that he owns and has the bills for the jewellery mortgaged by him do *prima facie* cast doubt on the case of the prosecution.

29. Though it has been contended by the learned APP that the applicant has a previous involvement in FIR No. 79/2011, under Sections 308/323/147/148/149, the same had been quashed by this Court *vide* order dated 21.02.2014.

30. Moreover, it is not in dispute that the applicant has remained in custody since 19.01.2025 i.e. for more than 10 months. The investigation is already complete and the chargesheet has also been filed. It is stated that only 4 out of 17 witnesses have been examined so far.

31. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

32. The applicant has deep roots in society and has three children he has to take care of.

33. Without commenting further on the merits of the case, keeping the facts and circumstances in mind. I am satisfied that the



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applicant has made a case for the grant of regular bail. Any apprehension of the applicant absconding or fleeing can also be taken care of by putting appropriate conditions.

34. In view of the above, the present application is allowed. The applicant is admitted on bail and is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. 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;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. 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.

35. In the event of there being any FIR/DD entry/complaint

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lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

36. It is clarified that the observations made in the present order are only 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.

37. The bail application is allowed in the aforementioned terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 9, 2025

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