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

+ **BAIL APPLN. 4907/2025 & CRL.M.A. 37843/2025**

RAHUL SINGH

.....Petitioner

Through: Mr. Ankit Jain, Sr. Advocate with Mr. Mohit Gupta, Mr. Vishal Saxena and Ms. Seemab Ali Fatima, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

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

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

22.12.2025

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1. By way of the present application, the applicant seeks grant of anticipatory bail in a case arising out of FIR bearing No. 428/2025, registered at Police Station Dwarka South, Delhi, for the commission of offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the facts emerging from the record are that the complainant and the applicant/accused were acquainted with each other, and their marriage was allegedly settled through an arranged proposal. A Roka ceremony between the parties was performed on 29.05.2025, followed by the engagement ceremony on 02.10.2025, and the marriage was scheduled to



be solemnized on 27.11.2025. The complainant alleges that during the subsistence of this relationship, the applicant/accused took her to a hotel at Dwarka, Sector-9, on multiple occasions and established physical relations with her on the pretext of marriage. It is further alleged that on 28.10.2025, the applicant/accused refused to marry the complainant and made derogatory remarks towards her. The complainant has also alleged that the applicant/accused demanded a fixed deposit of ₹20 lakhs, threatened her with adverse consequences in case of non-fulfilment of the said demand, and obtained money from her both through online transfers and in cash. It is further alleged that certain communications in this regard were sent from the mobile phone of the applicant's mother. On the basis of these allegations, the present FIR came to be registered.

3. The learned counsel for the applicant/accused argues that the applicant/accused has been falsely implicated in the present case. It is submitted that the engagement between the complainant and the applicant/accused was solemnized in a family function on 02.10.2025, and prior thereto, the ceremony of 'God Bharai' was performed on 26.05.2025. It is argued that the complainant and the applicant/accused voluntarily visited various hotels in Delhi and entered into a consensual physical relationship. During this period, it is further submitted that the complainant had also concealed her medical condition relating to hair loss, owing to such concealment, the family of the applicant/accused decided to call off the engagement. The learned counsel further argues that an earlier complaint lodged by the complainant at PS Sagarapur was withdrawn after settlement, and her statement to that effect was duly recorded. Hence, a prayer is made for the grant of anticipatory bail.



4. The learned APP for the State vehemently opposed the present bail application and argued that the applicant/accused established physical relations with the prosecutrix on the false pretext of marriage, which stands duly corroborated by records collected from the hotels visited by the prosecutrix and the applicant/accused. It is further argued that the prosecutrix had disclosed her medical condition to the applicant/accused and his family at the initial stage itself, yet the applicant/accused subsequently refused to marry her. The learned APP further argues that the applicant/accused pressurised the prosecutrix to make an FDR of ₹20 lakhs, which is corroborated by chats placed on record. It is argued that the allegations are grave and serious in nature, the investigation is still ongoing, and there is a likelihood of his absconding. Accordingly, it is prayed that the present bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant/accused and on behalf of APP for the state and has perused the material available on record.

6. This Court notes that the marriage of the applicant/accused and the complainant was fixed as an arranged marriage to be solemnized on 27.11.2025, and the Roka ceremony was held on 29.05.2025. Thereafter, subsequent to the Roka ceremony, the applicant/accused and the prosecutrix visited hotels on several occasions and entered into a physical relationship multiple times, which has been verified by the Investigating Officer through the relevant hotel records and entries.

7. It is to be noted that the complainant had entered into physical relationship with the applicant/accused with full knowledge that the marriage had already been fixed by their respective family members and that



the Roka ceremony had been duly performed. In these circumstances, it cannot *prima facie* be said that the physical relationship was established on a false pretext of marriage, nor can such an act be termed as non-consensual.

8. This Court observes that the complainant had earlier lodged a complaint on 01.11.2025 at Police Station Sagarpur alleging an offence under Section 376 IPC. However, the said complaint was subsequently withdrawn by the complainant by way of a written statement in her own handwriting, wherein she stated that she had been compelled and pressurised by her parents to file a false complaint against the applicant/accused. Thereafter, on 29.11.2025, the complainant had again filed a complaint, this time under Section 69 of the Bharatiya Nyaya Sanhita (BNS).

9. When an educated, adult woman voluntarily consents to enter into physical relationship, the law presumes that she fully comprehends its implications and consequences. The mere fact that the parties had disagreement after they had committed to each other and thereafter could not get married cannot be termed as non-fulfilment of promise of marriage and relationship that the prosecutrix had entered voluntarily after the *roka* ceremony and cannot be termed 'rape' on the ground that she was sexually assaulted on false pretext of marriage.

10. Considering the overall facts and circumstances of the present case and the material on record, this court is inclined to grant anticipatory bail to the applicant/accused. Accordingly, the application is allowed. The applicant/accused shall be released on bail in the event of arrest on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O. concerned on the following terms and conditions:



- (i) The applicant shall join investigation, as and when called by the concerned IO/SHO and shall remain available on mobile numbers; shared by him with the Police.
- (ii) The applicant shall not leave NCT of Delhi without prior permission of the concerned IO/SHO and shall also surrender his passport with the Police.
- (iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- (iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO..

- 11. In view of the above, the present bail application stands disposed of. Pending application, if any, also stands disposed of.
- 12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.
- 13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 22, 2025/ns
AP/GJ/RB