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

+ CRL.M.C. 9134/2025 & CRL.M.A. 38194/2025

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.....Petitioner

Through: Mr. Shailesh Chandra Jha, Advocate
(DHCLSC)

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Vinod Kumar, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.12.2025

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1. This petition under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Sections 439(2) and 482 of the Code of Criminal Procedure, 1973²) seeks cancellation of bail and setting aside of order dated 22nd September, 2025. By the impugned order, Sessions Court has granted pre-arrest bail in the proceedings arising out of FIR No. 467/2025 dated 26th June, 2025, registered under Section 69 of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Mehrauli, Delhi.

2. The Petitioner, the complainant in the aforesaid FIR, alleges that she was in a relationship with the accused for about three years and that they

¹ "BNSS"

² "CrPC"

³ "BNS"



resided together at Chhatarpur. She asserts that the accused established physical relations with her on a false promise of marriage. She further alleges that when she discovered that he was communicating with other women and confronted him, he continued to placate her with assurances that he would marry her. She also alleges that the accused was in possession of objectionable photographs of the complainant and used them to exert pressure.

3. The Sessions Court, while considering the application for pre-arrest bail, examined the material placed on record and noted, *prima facie*, that the relationship between the parties was long-standing. The WhatsApp communications exchanged between them indicated that engagement and marriage were being contemplated for June/July, 2024. The Sessions Court also took note of the admitted position that a Memorandum of Understanding dated 9th September, 2024, was executed between the parties recording that they would part ways. Although the complainant asserted that the MoU was executed under pressure and after facing assault, the Sessions Court found that the contemporaneous chats, *prima facie*, did not support the allegation of coercion. It was also noticed that there was no MLC supporting the allegation of assault on 9th September, 2024. On this *prima facie* appraisal, the Sessions Court granted pre-arrest bail.

4. The accused has joined and cooperated in the investigation which now stands concluded, and the charge-sheet has been filed. The matter is stated to be listed for committal before the Sessions Court, in view of the nature of the offence alleged.

5. Counsel for the Petitioner assails the impugned order on merits, contending that the accused repeatedly extended false assurances of



marriage, exploited the Petitioner sexually under that pretext, and also received monies transferred by the Petitioner. It is urged that the MoU dated 9th September, 2024 was not voluntary, as it was executed under threats to circulate “*obscene photographs and videos*” of the Petitioner on social media.

6. At this stage, it becomes necessary to recall the legal principles seeking cancellation of bail or interference with an order granting bail. Cancellation of bail stands on a different footing from rejection of bail at the threshold. Once liberty has been extended, the power to withdraw it is ordinarily exercised when there are cogent circumstances, such as misuse of liberty, non-cooperation, attempts to influence witnesses, tampering with evidence, or other supervening conduct that has the potential of affected fair investigation or trial. Even where the challenge is pitched as one to “*set aside*” a bail order on the ground of perversity, the scrutiny remains restrained. Interference is warranted when the bail order is shown to be manifestly illegal, perverse, or rendered in disregard of material considerations, not to undertake a fresh re-assessment of the merits as if in appeal.

7. Tested on the above principles, the present petition does not disclose grounds that justify curtailment of liberty at this stage. The challenge is essentially a re-argument on merits of the allegation under Section 69 BNS, including the Petitioner’s assertion that the promise of marriage was false from inception and operated as “*deceitful means*”. Those are matters that will be tested on evidence, including the contemporaneous communications, the circumstances in which the parties chose to reside together, and the MoU relied upon by the Sessions Court. For the limited purpose of pre-arrest bail,



the Sessions Court was entitled to form a *prima facie* view on the basis of the record then available. The impugned order cannot be characterised as one that ignores material considerations or proceeds on irrelevant factors. Equally, this Court has not been shown any post-bail conduct that would warrant cancellation. There is no assertion, supported by material, that the accused has evaded investigation, breached conditions, threatened the complainant, approached witnesses, or attempted to derail the process after securing protection. The filing of the charge-sheet further diminishes the basis for a cancellation petition founded merely on the plea that custodial interrogation was necessary.

8. As regards the allegation of threat to circulate objectionable photographs or videos, counsel for the Petitioner, on a pointed query, states that no such material is presently found circulating on social media. That submission, as recorded, materially weakens the immediacy of the apprehension pressed for cancellation. If any fresh material emerges showing intimidation, attempted publication, or misuse of electronic content, the Petitioner is at liberty to approach the competent court for appropriate protective directions, including modification of bail conditions, and the concerned court shall examine such request on its own merits, in accordance with law.

9. In these circumstances, no ground is made out either for cancellation of bail or for setting aside the impugned order dated 22nd September, 2025.

10. The petition is dismissed, along with pending application(s), if any.

11. It is clarified that the observations made herein are confined to adjudication of the present petition and shall not be construed as an expression on the merits of the prosecution case, which shall be considered



independently at the appropriate stage.

SANJEEV NARULA, J

DECEMBER 22, 2025
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