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

+ **BAIL APPLN. 336/2026**

KHEM KUMAR

.....Petitioner

Through: Mr. Vikram Panwar, Mr. Vijay
Kasana, Mr. Siddharth Negi, Mr.
Vaibhav Sharma, Mr. Abhimanyu
Singh, Ms. Surbhi Agarwal, Advs.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for State.
Mr. Sarthak Karol, SC
SI Priyanka PS Ranhola

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.03.2026

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner seeks regular bail in connection with FIR No. 831/2025, dated 26.12.2025, registered under Section 376 of the Indian Penal Code, 1860 ["IPC"], lodged at P.S. Ranhola, Delhi ["subject FIR"].

2. The subject FIR was registered on 26.12.2025 at the instance of respondent No. 2. The allegations, as stated in the subject FIR, are as follows:

A. The prosecutrix is a graduate of Delhi University who went to the United Kingdom in 1998 for further studies, and returned to India in 2021. She stayed with her parents at Dwarka until 2023, after



which she left their house.

- B. The petitioner herein was her classmate in Delhi University, whom she met when she returned to India.
 - C. The petitioner assured the prosecutrix that he would find her a suitable job and arrange a place for her to stay. He represented himself to be Joint Secretary at the Cabinet Secretariat, and also to be a divorcee.
 - D. After the prosecutrix left her parents' house, she lived at a location arranged by the petitioner. He proposed marriage, but did not allow her to meet most of his family members or disclose his address.
 - E. On 11.05.2023, he established physical relations with the prosecutrix without her consent at the house arranged by him, where she stayed from 24.04.2023 till 21.05.2023. He, thereafter, arranged for her to move to the house of his relative on 21.05.2023, where she stayed until 15.12.2023. There also, he established physical relations with her on the false pretext of marriage.
 - F. On 16.12.2023, he took her to a premises where he had a shop on the ground floor and his residence on the first floor, in which his family resided. The prosecutrix stayed in a part of the shop premises, where he used to physically and verbally abuse her.
 - G. She has stated that she did not make any complaints against him, believing him to be part of a sensitive government organisation, namely Research and Analysis Wing ["RAW"].
 - H. The FIR was lodged on the basis that she had now learnt that he was neither in RAW, nor was he going to divorce his wife.
3. I have heard Mr. Vikram Panwar, learned counsel for the



petitioner, Ms. Manjeet Arya, learned Additional Public Prosecutor, and Mr. Sarthak Karol, learned Standing Counsel for the Delhi High Court Legal Services Committee, appearing on behalf of the prosecutrix. The prosecutrix is also personally present in court.

4. Mr. Arya has handed up a status report in Court, which is taken on record. At the very outset, she submits that the said status report is incomplete, inasmuch as it does not refer to the incident of 11.05.2023. However, she has made her submissions on the basis of the record placed before the Court.

5. In support of the application, Mr. Panwar submits that the petitioner is a married man. He is 57 years of age and the prosecutrix is also a lady of 50 years of age. He submits that the subject FIR lodged on 26.12.2025 was based upon allegations of sexual relations on the false pretext of marriage, with the first incident of physical relation being established on 11.05.2023.

6. Mr. Panwar has drawn my attention to two documents, which, according to him, establish inconsistency in the prosecution's case. The first is a statement addressed by the prosecutrix to the SHO, Dwarka, Sector 9, on 14.05.2023, in response to a GD entry [GD No. 0053A] which was registered at the instance of her father. In her statement, the prosecutrix stated that she left her parents' home on 24.04.2023 at 7:00 PM, as she had been suffering extreme mental and emotional duress. It was also stated that the prosecutrix was provided comfort by her college friends [although they were not named therein], and that she was happy staying where she was, and did not wish to be disturbed or harassed or have any of her friends or contacts harassed by her parents at any point. It



was specifically stated that “*no physical or sexual assault*” has been committed upon her, and that she did not wish to be medically examined.

7. Mr. Panwar has also drawn my attention to an FIR No. 71/2025 registered at P.S. North Avenue, on the same day as the subject FIR, i.e. 26.12.2025, based upon a complaint of the prosecutrix dated 25.12.2025. In that complaint also, she had made an allegation against the present petitioner, stating that she wanted to have a conversation with him regarding their marriage and his divorce, but that he became violent and started beating her. Necessary action was sought on this basis.

8. Mr. Panwar submits that the allegations in the subject FIR are, thus inconsistent both with her contemporaneous representation to the SHO, Dwarka on 14.05.2023 and the complaint made to P.S. North Avenue, one day before the subject FIR was registered. He points out that in the subject FIR, in fact, the prosecutrix has stated that she had not made any complaint against him before.

9. Mr. Panwar further submits that the chargesheet has already been filed, and the matter is pending at the stage of framing of charges. He submits that the petitioner has been in custody since 27.12.2025 on the aforesaid charges.

10. Ms. Arya and Mr. Karol, oppose the bail application, and have drawn my attention to the seriousness of the charge levelled under Section 376 of IPC, which are required to be examined during trial. They further submit that the statement of the prosecutrix was also recorded under Section 183 of BNSS, which is consistent with the allegations in the subject FIR. They also submit that the prosecutrix did not make any complaint against the petitioner earlier, on account of the factors



mentioned in the subject FIR, i.e. that she thought he was an officer of RAW.

11. Having heard learned counsel for the partes, I am of the view that this is a fit case for grant of bail to the petitioner despite the seriousness of the allegation under section 376 of IPC. While this is not the stage for conducting a mini trial, the court is duty bound to balance the *prima facie* case with the petitioner's interest in respect of his liberty.

12. The allegation in the present case is predicated on a false promise of marriage. The first instance of a sexual relations having been established was more than two and a half years prior to the subject FIR being registered. The petitioner and the prosecutrix are both mature and educated persons. The case of the prosecutrix, that she was under the impression that the petitioner is a divorcee, has to be examined at trial. However, the contents of the complaint made by her to the SHO, Dwarka, Sector-9, on 14.05.2023, *prima facie* appear to be inconsistent with the allegations now made. In the subject FIR, she has also not revealed the fact that she had filed a complaint, before a different police station, the day before. The FIR registered pursuant thereto also does not contain any allegation of sexual assault/rape. Reference in this connection may also be made to the judgements of the Supreme Court in *Samadhan vs State of Maharashtra & Anr.* [2025 SCC OnLine SC 2528] and *Mahesh Damu Khare vs. State of Maharashtra* [(2024) 11 SCC 398], which also deal with similar allegations of rape on the false pretext of marriage. On the basis of the aforesaid factors, and having regard to the fact that the chargesheet has already been filed, I am of the view that it is not appropriate to deprive the petitioner of his liberty pending trial.



13. It is, therefore, directed that the petitioner will be released on bail in connection with FIR No. 831/2025, dated 26.12.2025, registered under Section 376 of IPC, lodged at P.S. Ranhola, subject to furnishing a bail bond in the sum of Rs. 40,000/- with one surety of the like amount to the satisfaction of the concerned Sessions Court/Duty Magistrate, and subject to the following further conditions:

- a. The petitioner shall appear before the Sessions Court on each and every date of hearing fixed.
- b. The petitioner shall not leave the country without the prior permission of the Sessions Court.
- c. The petitioner shall ordinarily reside at the address as per prison records, and shall not change the address without informing the concerned Investigating Officer [“IO”]/Station House Officer [“SHO”].
- d. The petitioner shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
- e. The petitioner shall not, directly or indirectly, contact, nor visit, nor offer any inducement, threat, or promise to the prosecutrix or any of the prosecution witnesses or other persons acquainted with the facts of the case.
- f. The petitioner shall not, directly or indirectly, tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the pending trial.



- g. The petitioner shall not commit any offence during the pendency of the proceedings.
10. The bail application is disposed of in terms of the above.
11. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
12. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

MARCH 24, 2026

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