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

+ **BAIL APPLN. 889/2026**

MANAV PHARIYA

.....Applicant

Through: Mr. Akshay Bhandari, Mr. Anmol Sachdeva, Mr. Janak Raj Ambawat, Mr. Kushal Kumar, Ms. Megha Saroha, Advocates.

Versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Ms. Vanshika Singh and Mr. Bhanu Pratap Singh, Advocates Mr. Sarthak Karol, Standing Counsel, DHCLSC with Ms. Neelakshi Bhadauria and Ms. Tanishka Pawar, Advocates for the complainant/ prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.78/2023 dated 26.10.2023 registered at PS.: Cyber Police Station, Delhi under *Sections 376/384* of the Indian Penal Code, 1860 and *Sections 4/11(i),(ii),(iv), (v)/ 12* of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**) and *Section 67(B)* of the Information Technology Act, 2000 (**IT Act**).



2. *Briefly put*, the present FIR was registered based on the complaint made by the complainant/ victim/ prosecutrix (***complainant***), which reveals that the applicant herein came in contact with the complainant when she was a minor. Subsequently, they entered into a relationship, whereby the applicant repeatedly insisted her to indulge in nude video calls and since the complainant had trust in the applicant, she indulged in the aforesaid act, however, the applicant without the consent and knowledge of the complainant had screen recorded the same. Whence the complainant came to know about the same she stopped all communication with the applicant.

3. Thereafter the complainant, from an unknown international WhatsApp number received her nude videos as also a demand of Rs.30,00,000/- with a threatening that if not paid, they shall be released on various social media websites. The complainant also came to know from her acquaintances that her nude videos were circulated in a WhatsApp group from random phone number(s). Thus, during investigation the applicant was arrested on 28.10.2023 and the statement of the complainant under *Section 164* of the Code of Criminal Procedure, 1973 (***Cr.P.C.***) was recorded, which evinced that the applicant had engaged in forced physical relationship with her on the pretext of leaking the said nude videos online.

4. At this stage, the charges have been framed against the applicant herein under *Sections 376/384* of the IPC and *Sections 4/11(i),(ii),(iv), (v)* of the POSCO Act and *Section 67(B)* of the IT Act by the learned Trial Court and currently the matter is at the stage of prosecution evidence.

5. Though the applicant has raised various grounds, however, learned counsel for the applicant restricts his arguments *qua* the fact that



allegations under *Sections 376* of the IPC and *Section 4* of the POCSO Act are an afterthought as they were added only pursuant to the statement under *Section 164* of the Cr.P.C., so much so, there was no mention of the same in the initial statement made under *Section 161* of the Cr.P.C. He argues that the same, as per the judgment passed by the Hon'ble Supreme Court entitled ***B.N. John vs. State of UP; 2025 INSC 4***, which has also been followed and affirmed by various Co-ordinate Benche(s) of the Court, i.e., BAIL APPLN. No.2653/2022 dated 19.09.2022, BAIL APPLN. No.777/2021 dated 20.07.2021 and BAIL APPLN. 1761/2025 dated 17.05.2025. The same, according to him, constitutes a strong ground for granting bail to the applicant herein.

6. *Per contra*, learned APP for the State, whilst relying upon the Status Report, submits that the nature of allegations are serious and grave in nature. She submits that there are prior criminal antecedents of the applicant and since only 2 out of 14 witnesses have been examined, the present application is liable to be dismissed as there are chances of the applicant tampering with evidence, being electronic in nature and/ or absconding, once released on bail.

7. In support thereof, learned counsel for the complainant submits that even though the complainant has been examined, the material witnesses, i.e., father and brother of the complainant are yet to be examined, the present application ought to be dismissed.

8. Heard. Perused the documents on record as well.

9. Though statement of the complainant under *Section 161* of the Cr.P.C. reveals that the allegations were pertaining to the applicant making nude videos without her consent, and the allegations qua rape on



the pretext of leaking the said nude videos were only revealed in the statement under *Section 164* of the Cr.P.C., however, even if the allegations *qua Sections 376* of the IPC and *Section 4* of the POCSO Act emanate out of the subsequent statement made by the complainant under *Section 164* of the Cr.P.C., the same does not absolve/ diminish the earlier allegations *qua* making unconsented nude videos of the complainant by the applicant whence she was a minor, which are in itself serious and grave in nature.

10. In fact, the judgment of ***B.N. John (supra)*** passed by the Hon'ble Supreme Court, though states that the omission of crucial facts in the FIR, which are later introduced without adequate explanation may indicate an afterthought, however the same, independently, does not have the gravitas to diminish the other allegations for which the trial is pending. Even otherwise, the judgment entitled ***B.N. John (supra)*** was passed in a matter wherein the Hon'ble Supreme Court was dealing with quashing of a FIR, which is not the case herein as this Court is dealing with an application wherein the applicant is seeking the grant of a regular bail.

11. This Court has to independently judge the gravity of the allegation and the situation as on date of the registration of FIR, which are sufficient for denying the grant of a regular bail to the applicant herein. Moreover, in view of the afore-going and considering that the allegations are grave and serious in nature and there are prior criminal antecedents *qua* the applicant as also the primary witnesses, i.e., father and brother of the complainant are yet to be examined, this Court finds force in the submission made by the learned APP for the State as also learned counsel for the complainant.



12. Since granting of a regular bail to the applicant is too early at this stage, the present application is accordingly dismissed.

13. Needless to say, since the expressions of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 20, 2026/NA