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

+ **BAIL APPLN. 1245/2026**

SANJAY

.....Petitioner

Through: Mr. Vikrant Dabas, Ms. Rekha Kashyap and Mr. Monesh Kumar Sharma, Advocates.

versus

STATE OF GNCTD AND ANR

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with SI Saurabh Kumar, ASI Seema Dhaka, P.S. Shalimar Bagh.
Mr. Gaurav Sharma and Ms. Aakanksha Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.05.2026

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks anticipatory bail in connection with FIR No. 52/2026 dated 20.02.2026, registered at Police Station Shalimar Bagh, District North-West, Delhi, under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Mr. Vikrant Dabas, learned counsel for the applicant, Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State, and Mr. Gaurav Sharma, learned counsel for respondent No. 2 – prosecutrix.
3. Mr. Chauhan has also handed over a status report dated 11.05.2026, which is taken on record.



4. By order dated 01.04.2026, interim protection was granted to the applicant, with the following observations:

“3. The FIR is predicated on allegations that the applicant established a physical relationship with the prosecutrix on the false pretext of marriage. The prosecutrix, in her complaint dated 20.02.2026, states that the physical relationship was first established on 30.03.2020 and continued until 08.11.2025. She alleges that the applicant had promised to marry her and, in fact, prevented her from marrying any other person. It is the further case of the prosecution that the applicant became engaged to another person on 14.07.2024, but continued his relationship with the prosecutrix thereafter on the false pretext of marriage.

4. The applicant had first approached the learned Sessions Court seeking anticipatory bail. Although interim protection was initially granted to him, the said application was ultimately dismissed on 23.03.2026.

5. Copies of the status reports filed before the learned Sessions Court have been placed on record. A copy of a further status report filed before the Sessions Court has also been handed over in Court, and is taken on record.

6. The said status reports indicate that the mobile phone of the prosecutrix was seized by the Investigating Officer, and 4 voice recordings between the applicant and the prosecutrix were recovered therefrom. Of these, 3 recordings are dated 31.07.2023, while one recording is dated 18.12.2023. The Investigating Officer has stated that the said recordings reflect “friendly (romantic) conversations between the applicant and the prosecutrix.” It is further stated that photographs and screenshots have been seized, which reveal that the applicant remained in contact with the prosecutrix even thereafter. Mr. Chauhan also submits that a photograph of the applicant dated 16.07.2025 has been found on the mobile phone of the prosecutrix.

7. In this context, it is relevant to note that the offence of rape on the ground of false pretext of marriage requires the satisfaction of specific ingredients. Reference in this regard may be made to the decision of the Supreme Court in Prithvirajan v. The State Rep. by the Inspector of Police and Anr.¹, which also dealt with similar allegations based on a false promise of marriage. The following observations of the Court are apposite:

“6. This Court has time and again reiterated that only because physical relations were established based on a promise

¹ SLP (Crl.) No. 12663/2022, decided on 20.01.2025.



to marry, it will not amount to rape. For the offence of rape to be attracted, the following conditions need to be satisfied: first, the accused promised to marry the prosecutrix solely to secure consent for sexual relations without having any intention of fulfilling said promise from the very beginning; second, that the prosecutrix gave her consent for sexual relations by being directly influenced by such false promise of marriage. [See: Pramod Suryabhan Pawar v. The State of Maharashtra and Ors. (2019) 9 SCC 608; Mahesh Damu Khare v. The State of Maharashtra and Ors. 2024 SCC OnLine SC 347]

7. The instant case is one of consensual relationship between the appellant and prosecutrix. Even otherwise, it does not appear from the record that the initial promise to marry allegedly made by the appellant was false to begin with. Perusal of FIR itself suggests that the alleged promise to marry could not be fulfilled by the appellant due to intervening circumstances. Consequently, the relationship ended because of which the present FIR came to be registered. Under these circumstances, letting the appellant face trial would be nothing short of an abuse of the process of the Court. This cannot be permitted.”²

8. Moreover, the judgments of the Supreme Court, inter alia, in Samadhan v. State of Maharashtra and Anr.³, and Mahesh Damu Khare v. State of Maharashtra⁴, deal with similar cases pertaining to prolonged sexual relationships.

9. Applying the principles to the facts of the present case, it is evident that the conversations relied upon by the prosecution, predate the applicant’s engagement on 14.07.2024. The only prima facie material found for the period after 14.07.2024, is a single photograph of the applicant on the prosecutrix’s phone, stated to have been taken on 16.07.2025. The relationship between the parties, even as per the prosecution, subsisted for approximately 5 years. The material placed on record, including the conversations recovered from the prosecutrix’s mobile phone, indicates that the parties were in a romantic relationship, prior to the applicant’s engagement. The FIR itself also records that the marriage of the prosecutrix herself was being arranged with another person, but was allegedly called off on account of the applicant. In such circumstances, the prima facie material, with regard to the satisfaction of the ingredients of the

² Emphasis supplied.

³ 2025 SCC OnLine SC 2528.

⁴ (2024) 11 SCC 398.



offence, as explained in Prithvirajan, does not warrant deprivation of the applicant's liberty at this stage.

10. Additionally, Mr. Vikrant Dabas, learned counsel for the applicant, submits that, on 30.03.2026, the applicant's brother received a telephone call from the prosecutrix, allegedly threatening the applicant and his family with false cases. It is further submitted that a complaint in this regard was made to the Investigating Officer on the following day, a copy of which has been handed over to Mr. Chauhan in Court today.

11. The Investigating Officer is directed to file a status report before the next date of hearing.

12. In view of the aforesaid facts and circumstances, I am of the view that the present case is fit for grant of interim protection at this stage. Accordingly, subject to the applicant joining the investigation on 03.04.2026 at 04:00 PM, and thereafter as and when required by the Investigating Officer, the applicant shall not be arrested in connection with the present FIR until the next date of hearing."

5. Mr. Chauhan refers me to paragraph 7 of the status report, in which it is stated that the applicant has joined the investigation, which is almost complete. There is no allegation of non-cooperation against the applicant. However, he states that the applicant may be required to participate in further investigation. Mr. Dabas states that the applicant will cooperate with the investigation as and when required.

6. Mr. Sharma adopts the submission of Mr. Chauhan, and further submits that the applicant and his family members be directed not to contact or intimidate the prosecutrix in any manner.

7. With regard to earlier allegations of a similar nature, the status report dated 11.05.2026 reads as follows:

"13. That, on 06/04/2026, accused Sanjay joined the investigation of the case and provided a copy of his complaint along with a pen drive containing a voice recording of the victim recorded by the accused's brother Chandan. Upon hearing the recording, it was found that on 30/03/2026, the complainant made a call from her Mob. No. 7303318202 to accused's brother Mob. No. 9650369847 and she is threatening to accused's brother. Moreover, on 01/04/2026 victim



apprised that accused Sanjay is threatening her for change her statement.

14. *That, on 04/04/2026 victim made a PCR call stating that accused Sanjay is threatening her and the same was marked to the SI Saurabh. The said call was kept pending. In this regard victim was examined and she apprised that on 04/04/2026 accused Sanjay did not meet her but his brother Chandan was met (But he did not say anything to her) and she made PCR call on 04/04/2026 for the incident occurred on 01/04/2026.*

15. *That, on 15/04/2026 CDR of victim's Mob. No. 7303318202 was analysis and it was found that on 30/03/2026 victim made call to accused's brother Chandan Mob. No. 9650369847 and the duration of call was found 496 Seconds. Moreover, on 01/04/2026 the location of accused Mob. No. 9958817064 is found at AU-Block, Pitampura, Delhi and the distance of said location from victim's house is approx. 2-3 Km. On 04/04/2026 Time 21:32 hrs. the location of accused Mob. No. 9958817064 is found at Shalimar Bagh Police Station, Delhi."*

8. On the basis of the above, it *prima facie* appears that the prosecutrix's allegation regarding threats by the applicant have not been substantiated by the prosecution. However, Mr. Dabas states that the applicant has no objection to a condition being imposed upon him, of the sort sought by Mr. Sharma.

9. For the reasons recorded in the order dated 01.04.2026, and noting that the applicant has since joined the investigation, which is almost complete according to the prosecution, it is directed that, in the event of arrest in connection with FIR No. 52/2026 dated 20.02.2026, registered at Police Station Shalimar Bagh, District North-West, Delhi, under Section 69 of the BNS, the applicant be released on bail, upon furnishing a personal bond in the sum of Rs. 25,000/-, with one surety in the like amount, subject to the satisfaction of the concerned Investigating Officer ["IO"]/Station House Officer ["SHO"], and subject to the following further conditions:



- a. The applicant shall report to the IO, as and when required, and will cooperate with the investigation.
 - b. The applicant shall furnish his residential address to the concerned IO/SHO, and shall not change the address without informing the IO/SHO.
 - c. The applicant 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.
 - d. The applicant shall not, directly or indirectly, attempt to contact the prosecutrix or her family, or tamper with the evidence, or otherwise indulge in any act or omission that is unlawful or prejudicial to the proceedings, nor shall he offer any inducement, threat, or promise to any person acquainted with the facts of the case.
 - e. The applicant shall not commit any offence during the pendency of these proceedings.
10. The bail application is disposed of in terms of the above.
11. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

MAY 11, 2026
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