



2026:DHC:1972



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

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Date of Decision: 10.03.2026+ **BAIL APPLN. 1616/2025****FAISAL AHMED**

.....Petitioner

Through: Mr. Rajan Singh, Advocate (*through videoconferencing*).

versus

STATE OF GNCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State with Inspector Rajneesh Kumar.
Mr. Rishikesh Kumar, Advocate (*through videoconferencing*) for Complainant with Complainant in person through (*through videoconferencing*).**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 18/2025 of Police Station Safdarjung Enclave for offence under Section 498A/34 IPC.

2. This anticipatory bail application came up for first hearing on 29.04.2025 before the predecessor bench and the accused/applicant was granted interim protection from arrest, which interim protection continued on date to date basis before different benches. Today, the matter came up

*BAIL APPLN. 1616/2025**Page 1 of 4 pages*

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before me for the first time. I heard learned counsel for accused/applicant as well as learned APP for State and learned counsel for complainant *de facto*.

3. Broadly speaking, the accused/applicant and the complainant *de facto*, both of whom are well placed academicians fell into love affair and got married in the year 2006. Two children were born from their wedlock. But unfortunately, on account of marital discord, they got separated and got embroiled in other matrimonial litigations as well. On the basis of complaint lodged by the complainant *de facto* in the year 2024, the FIR came to be registered in 2025.

4. On behalf of accused/applicant it is contended by learned counsel that the accused/applicant deserves not to be sent to jail as the FIR has been registered on tailored facts. It is contended that the accused/applicant is an eminent academician, working as a professor in a reputed business school. It is further contended that no purpose would be served by sending the accused/applicant to jail in this matrimonial dispute.

5. Learned APP for State assisted by IO/Inspector Rajneesh Kumar has not submitted any objection to the present anticipatory bail application.

6. Learned counsel for complainant *de facto* strongly opposes the application on the ground that the allegations levelled in the FIR pertain not just to the matrimonial discord of dowry demands but also to serious allegations of unnatural sex, which was forced upon the complainant *de*

BAIL APPLN. 1616/2025

Page 2 of 4 pages

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facto by the accused/applicant. It is contended by learned counsel for complainant *de facto* that she kept tolerating unnatural sex since 2006 onwards, and the accused/applicant was also involved in a number of extramarital affairs.

7. I have examined the FIR. As mentioned above, the accused/applicant got married with the complainant *de facto* in the year 2006 and the first complaint lodged by the complainant *de facto* was only in 2024, which came to be registered in 2025. Before getting married, the accused/applicant and the complainant *de facto* were in love affair. Further, on 04.11.2025, it is both of them who requested the predecessor bench for referring the matter to the mediation centre as there was possibility of a settlement.

8. So far as the allegations of unnatural sex imposed by the accused/applicant on the complainant *de facto* are concerned, at this stage, the only relevant aspect to be kept in mind is that according to complainant *de facto* the same was continuing from the year 2006 onwards; and it also cannot be ignored that the complainant *de facto* herself joined the accused/applicant into seeking referral of dispute to the mediation centre.

9. One also cannot lightly brush aside the submission advanced on behalf of the accused/applicant that the allegations of sexual misconduct have been incorporated in the complaint only to circumvent the law laid down by the Supreme Court in the case of *Arnesh Kumar vs. State of Bihar* 2014 (8) SCC 273. But at the same time, a cautious rider also must be added

BAIL APPLN. 1616/2025

Page 3 of 4 pages

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2026:DHC:1972



that just because such allegations are now being frequently observed in dowry related complaints subsequent to *Arnesh Kumar* (supra) it does not mean that every such case must be looked at with suspicion. Each case must be tested on its peculiar matrix. However, for present purposes, curtailment of liberty of the accused/applicant only on the ground of such allegations would not be proper.

10. As mentioned above, the accused/applicant is well placed in the society and is not a flight risk at all. There is also no allegation from the State that the accused/applicant misused the interim liberty granted to him by the predecessor benches till date.

11. Considering the overall circumstances as described above, the application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned. The accused/applicant shall join investigation as and when directed in writing by the IO.

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BAIL APPLN. 1616/2025

Page 4 of 4 pages

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