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

\# **CNR No. DLHC010303882026**

\+ BAIL APPLN. 2709/2026

ROHIT .....Petitioner

Through: Mr. Ashok Drall, Mr. Chirag Kumar, Ms. Aashi Drael, Mr. Jatin Ruhal, Advocates.

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for the State with Mr. Narendra Kumar, Advocate.
Mr. Brahmanand Gupta, Advocate for Complainant with Complainant in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 27.10.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in FIR No. 885/2024, registered at P.S. Begumpur, Delhi, for offences under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023[1]. Chargesheet has been filed under Sections 64(1), 82(2), 49, 238(b), 61 and 3(5). Applicant has been in judicial custody since 14th July, 2025.

2. The prosecution case arises from a relationship between the Applicant

[1] 'BNS'

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and the Victim which began in 2021. The Victim alleges that the Applicant established physical relations with her against her wishes and subsequently continued to sexually exploit her by threatening to circulate her intimate photographs and videos, while repeatedly assuring her of marriage. She gave birth to a child on 11th August, 2024, who unfortunately died on 24th August, 2024. The Victim further alleges that, although the Applicant married another woman on 17th November, 2024, he concealed that marriage and went through a marriage ceremony with her at an Arya Samaj Mandir on 19th November, 2024. When confronted, he allegedly assaulted her physically and sexually. The FIR was registered on 6th December, 2024.

3. Counsel for the Applicant submits that the parties were in a consensual relationship for over three years, during which they frequently met and also lived together for some time. It is argued that the allegations arose after their relationship deteriorated and the Applicant married another woman. The principal and supplementary charge-sheets have been filed, and the Applicant has no criminal antecedents. The State opposes bail, relying upon the Victim's allegations of force and blackmail, the concealment of the earlier marriage, and the Applicant's conduct in evading investigation. It is also pointed out that the mobile phone recovered from the Applicant does not match the device allegedly used to record the Victim's intimate photographs and videos. The IMEI number of the mobile phone produced by the Applicant does not match the mobile phone actually used in the offence.

4. At this stage, the material on record does not permit a definitive conclusion on the nature of the relationship between the parties. They remained associated for over three years, during which they maintained an intimate relationship, lived together for some time, and had a child. These

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circumstances lend some support to the Applicant's contention that the relationship was consensual and cannot be discounted while considering bail. At the same time, the Victim has alleged specific instances of force and intimidation, including threats involving her intimate photographs and videos. Those allegations must be tested at trial. For present purposes, the prolonged association between the parties, viewed alongside the competing allegations, leaves sufficient room for doubt to warrant a cautious assessment, without drawing any conclusive inference against either party.

5. The Sessions Court declined bail on 8th June, 2026, taking into account the Applicant's conduct, the two marriages and the fact that the Victim had not been examined. Now, the Victim's evidence has since been recorded and her cross-examination has concluded. This is a material development, as the apprehension of influencing the principal prosecution witness, which weighed with the Sessions Court, now stands substantially addressed.

6. The Applicant's conduct during investigation does weigh against him. He did not join the investigation for several months and surrendered only after coercive proceedings had been initiated. The discrepancy concerning the recovered mobile phone also remains unexplained. Nevertheless, the Applicant has since remained in custody, and the prosecution has filed both its principal and supplementary charge-sheets. Substantial documentary and electronic material has been collected. The outstanding forensic reports and the dispute concerning the mobile phone do not, in the circumstances, establish a continuing need for his detention.

7. The Applicant is approximately 28 years old and has undergone more than fifteen months of custody. His nominal roll records no previous

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criminal involvement and satisfactory jail conduct. Of the fourteen prosecution witnesses cited, the Victim has since been examined. The apprehension of intimidation or interference with the remaining evidence can be addressed through strict conditions. Considering the period of custody, the progress of the trial and the Applicant's absence of criminal antecedents, his continued detention is not warranted.

8. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail upon furnishing a personal bond of ₹25,000/- with two sureties of the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(i) The Applicant shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court, and shall intimate any change in either without delay.

(ii) He shall appear before the Trial Court on every date fixed, unless exempted, and shall not seek unnecessary adjournments.

(iii) He shall not contact or attempt to contact the Victim or her family members, directly or indirectly, including through any third person, telephone, electronic communication or social media. He shall not visit her residence or workplace.

(iv) He shall not threaten, induce or attempt to influence any prosecution witness, or publish, circulate or otherwise misuse any photograph, video or other material concerning the Victim.

(v) He shall report to the Investigating Officer on the first Monday of every month for six months, and thereafter as directed by the Trial Court.

(vi) He shall not leave India without prior permission of the Trial Court and shall surrender his passport, if any, before the Trial Court.

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9. The observations made herein are confined to the consideration of bail and shall not influence the trial.

10. The application stands disposed of.

SANJEEV NARULA, J

OCTOBER 27, 2026/ab

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