



\$~8

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

+ **BAIL APPLN. 3872/2025**

PANKAJ

.....Petitioner

Through: Mr. Onkar Nath Sharma, Mr.
Nandlal Kumar Mishra and Ms.
Naina Garg, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP
SI Meenakshi.
Mr. Nikhil Sharma, Advocate for
victim.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

25.02.2026

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks regular bail in connection with FIR No. 293/2025, dated 11.07.2025, under Section 376 of the Indian Penal Code, 1860, registered at Police Station Neb Sarai, Delhi.

2. Ms. Manjeet Arya, learned Additional Public Prosecutor, has placed on record a status report dated 03.11.2025, wherein the facts of the case are set out as under:

A. An FIR was registered on 11.07.2025, at the instance of the prosecutrix.

B. The prosecutrix stated that she was in friendship with the applicant for the last 4-5 years. He proposed to her in 2020, and expressed



his intention to marry her, but wanted to settle down first. They visited each other's house. The applicant would often visit her house when she was alone and have physical relations with her even after refusal.

- C. On 06.05.2025, he expressed his intention to marry the prosecutrix to the prosecutrix's mother, and told her that he had also informed his mother, who was in agreement of the same.
- D. She further alleges that on 06.05.2025 and 07.05.2025, when the prosecutrix was alone in another room in the house, the applicant made physical relations with the prosecutrix on the promise of marriage.
- E. On 08.05.2025, the applicant went to his village in Uttar Pradesh. The prosecutrix further stated that the applicant's mother told her that she would get them married, after returning from the village.
- F. However, the applicant thereafter stopped picking up her phone and refused to marry.
- G. On 21.06.2025, the prosecutrix came to know that the applicant was in fact in a relationship with another girl for the last three years, and he has married her.
- H. Pursuant to the FIR, the investigation was carried out. The prosecutrix was medically examined at Pt. Madan Mohan Malviya Hospital [MLC No. 5957/2025], wherein she corroborated the allegations in the FIR.
- I. The applicant was arrested on 11.07.2025, and medically examined at Pt. Madan Mohan Malviya Hospital [MLC No. 5959/2025] on the same day, wherein his potency examination was conducted.



The applicant was thereafter sent to judicial custody.

J. The prosecutrix's statement was recorded under Section 183 of BNSS, wherein she again corroborated the allegations in the FIR.

K. During investigation, one mobile phone of the applicant was seized and sent to FSL, but was not accepted as being in a broken condition. The mobile phone of the prosecutrix was also seized and sent to FSL.

L. The charge sheet was filed on 05.09.2025 before the Magistrate's Court under Sections 376 of the IPC read with Section 69 of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

3. The applicant's bail was earlier rejected by the Sessions Court *vide* order dated 16.07.2025, wherein the Sessions Court noted the consistent stand taken by the prosecutrix in the FIR, and her statement under Section 183 of BNSS with respect to the allegation of physical relations on the basis of a false promise to marry. Having regard to the undisputed position of the applicant's marriage to a different woman within two months of the alleged incident, the Sessions Court *prima facie* found presence of ingredients constituting an offence under Section 69 of BNS, and rejected the bail application.

4. I have heard Mr. Onkar Nath Sharma, learned counsel for the applicant, Ms. Arya, and Mr. Nikhil Sharma, learned counsel for the prosecutrix.

5. Mr. Onkar Nath Sharma submits that the material on record does not disclose the offences made out, in as much as it suggests a consensual relationship between the petitioner and the prosecutrix. He submits that there is also no material to support the allegation that the petitioner had



made a false promise to marry the prosecutrix, and thus induced her into a physical relationship with him. He further states that the petitioner has already been in custody for a period of over seven months, and the trial is in progress.

6. Ms. Arya and Mr. Nikhil Sharma, however, oppose the grant of bail pointing out that the allegations in the FIR are corroborated by the statement of the prosecutrix recorded under Section 183 of the BNSS. Although the petitioner and the prosecutrix knew each other since the year 2016, when they studied in the same school, the prosecutrix has consistently maintained that a physical relationship was established only upon an assurance of marriage.

7. Ms. Arya further contends that the falsity of the petitioner's promise is evident from the fact that he married someone within a few weeks after 06/07.05.2025, which is the date of the last instance of sexual relationship between them. It is lastly submitted that the evidence of the prosecutrix has been partially recorded before the Sessions Court and material witnesses have thus not been fully examined, rendering it inappropriate for bail to be granted to the accused at this stage. The evidence recorded so far before the Trial Court has been handed up in Court, and is taken on record.

8. Having heard learned counsel for the parties, I am of the view that it is not appropriate in the present case to release the petitioner on bail in connection with the subject FIR. The allegations under Section 376 of the IPC and Section 69 of the BNS, in the complaint filed by the prosecutrix, are that her consent for a sexual relationship was obtained on a false promise of marriage, which commenced in the year 2020 when she lived



alone, as her mother was resident at her place of work during the lockdown. These are *prima facie* consistent with the material on record, including the history recorded in her MLC and her statement under Section 183 of the BNSS. They are also *prima facie* corroborated by the testimony of the petitioner's mother, who gave evidence as PW2.

9. The evidence of the prosecutrix and her mother also *prima facie* suggests that even as of May 2025, when the petitioner last had a physical relationship with the prosecutrix, he assured the prosecutrix and her mother that he would marry the prosecutrix upon return from a trip to his village, but instead married another woman, merely a few weeks later. This lends credence to the contention that the promise of marriage was insincere.

10. Mr. Onkar Nath Sharma contends that this material is insufficient to establish that a promise of marriage was, in fact, made. However, the Court is not called upon at this stage to conduct a minute examination of the evidence or engage in a mini trial. The probative value and sufficiency of evidence will have to be assessed by the Sessions Court at trial.

11. Further, the apprehension of the prosecution with regard to influence being exerted upon the prosecutrix in these circumstances is not implausible.

12. Mr. Onkar Nath Sharma also relied upon a judgment of the Supreme Court in *Amol Bhagwan Nehul v. State of Maharashtra*¹, which concerned quashing of a criminal case under Section 376, 376(2)(n), 377, 504, and 506 of IPC. The Supreme Court quashed the proceedings as an



abuse of process. Learned counsel particularly relied upon the observations of the Supreme Court, recording a long relationship, during which the prosecutrix in that case, visited the petitioner in lodges on two separate accounts, and the absence of material with regard to inducement or misrepresentation on the part of the accused. I am, however, of the view that the facts in *Amol Bhagwan Nehul* are distinguishable from the present case. In that case, the Supreme Court had also noticed that the parties were in a relationship while the prosecutrix was married to someone else, and therefore found it unconceivable that she had engaged in a physical relationship with the accused on the promise of marriage. The Court also noted the implausibility of a married woman, who had a child of four years, to be deceived by such a promise, or maintain a prolonged association and physical relationship with the person accused of such an offence. In the present case, however the relationship was allegedly established when the prosecutrix was merely 20 years old, and there is sufficient *prima facie* material as stated above in support of the allegation.

13. This is also not a case where prolonged incarceration requires the petitioner to be released at this stage. The FIR was registered on 11.07.2025, and he was arrested on the same day. He has thus been in custody for a period of just over seven months. In the meanwhile, the trial is already in progress and 2 out of 18 witnesses have already been examined.

14. For the reasons stated above, the present bail application stands dismissed.

¹ 2025 SCC OnLine SC 1230 [hereinafter, "*Amol Bhagwan Nehul*"].



15. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall not influence the trial proceedings, nor shall they be construed as an expression of opinion on the merits of the case.

PRATEEK JALAN, J

FEBRUARY 25, 2026

'Bhupi/AD'/'