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

+ **BAIL APPLN. 4213/2025**

SURINDER KUMAR

.....Petitioner

Through: Mr. Dushyant Yadav, Mr. Achyut Dwivedi, Mr. Manik Verma and Ms. Aysha Praveen, Advocates.

versus

STATE (GOVT OF NCT) DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.
WSI Jyoti, P.S.: DIU.
WSI Deepika, P.S.: Dwarka South.
Ms. Yukta Verma, Advocate for
Complainant *via* video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **21.04.2026**

CRL.M.A. 32640/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 4213/2025

By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 0013/2021 dated 08.01.2021 registered under sections 376/506 of the Indian Penal Code, 1860 at P.S.: Dwarka South. Consequent upon completion of investigation, allegations of offences under sections 354(D)/384/34 IPC have been added *vidé* chargesheet dated 06.03.2021.



2. Notice on this petition was issued on 06.11.2025.
3. Status Report dated 12.01.2026 alongwith SCRB Report of even date have been filed.
4. Nominal Roll dated 23.03.2026 has been received from the Jail Superintendent.
5. The court has heard Mr. Dushyant Yadav, learned counsel for the petitioner; Mr. Shoaib Haider, learned APP for the State; as well as Ms. Yukta Verma, learned counsel for the prosecutrix.
6. Mr. Yadav submits, that the essence of the allegation against the petitioner is that the petitioner had physical relations with the prosecutrix on a false promise of marriage.
7. Learned counsel submits, that a perusal of the subject FIR shows that the prosecutrix also alleges that the petitioner had clicked and recorded certain vulgar photographs and videos of the prosecutrix, basis which, he was threatening her to remit sums of money into certain bank accounts.
8. Mr. Yadav points-out however, that in her statement recorded under section 161 of Code of Criminal Procedure 1973 ('Cr.P.C.),' the prosecutrix states that at one of the meetings that the parties had in a mall, they had an altercation and that she got the subject FIR registered in a fit of anger, to get the petitioner arrested; further stating, that she and the petitioner are good friends; and that they had consensual physical relations.
9. Learned counsel submits, that in the said statement, the prosecutrix also categorically states that the petitioner does not have any objectionable photographs or videos of her, going-on to add that she



had remitted money to the petitioner's wife and to his friend's bank accounts of her own free volition, clarifying that she does not wish to press any charges against the petitioner.

10. Furthermore, attention is drawn to the prosecutrix's statement dated 10.01.2021 recorded under section 164 of the Cr.P.C, wherein, on a pointed question put to the prosecutrix by the learned Magistrate, she has said that she is not under any threat to make the statement and that she does not want any proceedings in the complaint and wants to withdraw the case, with nothing further to add.
11. Besides, learned counsel for the petitioner points-out, that the subject FIR, pertaining to an incident of *April 2018*, came to be registered on *08.01.2021 i.e.*, after a delay of about 02 years and 09 months.
12. Learned counsel submits, as is seen from the nominal roll, in this backdrop, the petitioner has suffered judicial custody as an undertrial for about 05 years and 02 months, whereas trial in the matter is yet to be concluded.
13. On the other hand, Mr. Haider, learned APP for the State submits, that though what the prosecutrix had said in her statements dated 10.01.2021 recorded under sections 161 and 164 of the Cr.P.C are a matter of record, in a supplementary statement recorded under section 164 of the Cr.P.C on 27.01.2021, the prosecutrix has supported the prosecution case by stating the following:

"I used to work in a event company. During a trip there when I went to Malaysia, I met Surender Kumar. We became friends. Then we got physical as well. Later I came to know that he has two children and is married. I broke the friendship with him and stopped talking to him. He had made some of my pictures/photos



and videos earlier. He threatened me, intimidated me and threatened to tell everything to my family. He forced himself on me and had forceful sex several times by threatening me. I am about to get married and Surender's mother called my father and threatened him to make his daughter understand otherwise he will defame her. I am scared. He has taken a total of Rs. 10 lakh (approx.) from me, saying that he will make my videos viral. We both had talked and the reason for going ahead was because he will marry me. Therefore, he made false promise to marry me. I want justice."

(translated copy has been extracted)

14. Learned APP submits therefore, that whether the physical relations between the parties were based on a false promise of marriage or whether the prosecutrix was intimidated into making the earlier statements under sections 161 and 164 of the Cr.P.C, is for the trial court to decide.
15. Learned counsel for the prosecutrix has also adopted the submissions made by the learned APP.
16. Upon hearing the submissions of learned counsel for the parties, the considerations that weigh with the court *at this stage* are the following:
 - 16.1. There is evident delay in registering the subject FIR since the incident alleged against the petitioner dates back to *April 2018* whereas the FIR was registered on *08.01.2021 i.e.*, after a delay of about 02 years and 09 months.
 - 16.2. In her statements dated 10.01.2021 recorded under sections 161 and 164 of the Cr.P.C, the prosecutrix has disclaimed any criminality on the part of the petitioner, and has categorically stated that she does not wish to prosecute the matter any further. However subsequently, in her statement dated 27.01.2021



recorded under section 164 of the Cr.P.C, the prosecutrix has supported the prosecution case, stating that the physical relations between them were made on a false promise of marriage, and by reason of the threats extended by the petitioner to her based on objectionable photos and videos of the prosecutrix that the petitioner had taken; and that pursuant to such threats she was forced to pay large sums of money to the petitioner. All these allegations require consideration in the course of trial.

16.3. In the meantime however, the petitioner has already suffered judicial custody as an undertrial for more than 05 years and 02 months as of 23.03.2026; but the trial in the matter is yet to conclude.

17. Upon a conspectus of the foregoing facts and circumstances, and in particular by reason of the period of custody that the petitioner has undergone as an undertrial, this court is persuaded to allow the present petition. The petitioner - **Surender Kumar s/o Parwinder Kumar** - is accordingly granted *regular bail* pending trial subject to the following conditions:

17.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;

17.2. The petitioner shall furnish to the Investigating Officer/S.H.O a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 17.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 17.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 17.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
18. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
19. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
20. The petition stands disposed-of in the above terms.
21. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 21, 2026/hb