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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4421/2025**
PANKAJ UPADHYAY

.....Petitioner

Through: Mr. Hitik Malhan, Advocate.

versus

THE STATE (GOVT. N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Shaily Jain.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **29.04.2026**

1. Applicant seeks anticipatory bail in case arising out of FIR No. 0406/2025 dated 24.08.2025, registered at P.S. Dayalpur, for commission of offences under Sections 64(2)/140(3)/316(2) of *Bharatiya Nyaya Sanhita (BNS), 2023* (corresponding sections 376/365/406 IPC).
2. When the present matter was taken up by this Court on 18.11.2025, the following facts were recorded and it was also directed that no coercive action be taken against the applicant subject to his joining investigation.
3. The relevant paras of the abovesaid order reads as under:-

“4. The case of the prosecution is that around 07 years ago the complainant met the accused (petitioner herein) in a wedding. Since then, the petitioner had been alluring her for marriage and forced her to take gold and cash from her house. Under the promise of marriage, the complainant eloped with the petitioner and the petitioner also had physical relations with her.

5. Mr. Hitik Malhan, learned counsel appearing on behalf of petitioner submits that the complainant was in relationship with the

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petitioner for the past 07 years and she was very well aware of the fact that the petitioner is married.

6. He refers to the WhatsApp chats to contend that, infact, it is the complainant who had instigated the petitioner to elope with the complainant.

7. He submits that the petitioner and the complainant had visited various places in the country and thereafter, they were staying at OYO Hotel, Narela where the police visited on 17.08.2025 when the petitioner had gone to get food for himself and the complainant.

8. He submits that the FIR has been registered after a period of 07 days on 24.08.2025 which shows that it is an afterthought.

9. In view of the above, issue notice. Mr. Ajay Vikram Singh, learned APP appearing on behalf of State accepts notice.

10. On being queried by the Court as to the length of relationship between the petitioner and the complainant, he on instructions from the IO, who is present in Court fairly states that the petitioner was in relationship with the complainant for around 07 years.

11. Let prosecutrix be also put to notice by the IO concerned, who will inform the prosecutrix about the filing of present application, as well as, the next date of hearing.

12. In the meanwhile, it is directed that no coercive action be taken against the petitioner subject to his joining investigation.”

4. It is informed that pursuant to the abovesaid order, the applicant has already joined the investigation.

5. I.O., who is present in the Court, submits that charge-sheet has already been filed before the concerned Magisterial Court and the case has even been committed by the learned Magisterial Court to the Court of Sessions *vide* order dated 27.04.2026.

6. Learned counsel for the applicant submits that the learned Magisterial Court had though directed the applicant to furnish bonds but when the Court was apprised about the abovesaid fact that the anticipatory bail is pending consideration before this Court, no further order was passed in this regard by the learned Magisterial Court.

7. Keeping in mind the overall facts of the case and the fact that the applicant has already joined the investigation, *albeit*, without making any



observation on the merits of the case, the present application is disposed of with the direction to the applicant to submit personal bond and surety bond in a sum of Rs.25,000/- each before the learned Sessions Court, to whom the case has been committed now, within seven days from today.

8. The application stands disposed of in aforesaid terms.

MANOJ JAIN, J

APRIL 29, 2026/ss/js



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