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

+ **BAIL APPLN. 4559/2025**

AJAJ AFJAL

.....Petitioner

Through: Mr. Amod Sharma, Mr. Azad,
Advocate with applicant in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Ms. Manjeet Arya, APP with SI
Kaikho Ashvini, P.S. Paharganj.
Mr. Rakesh Kumar, Advocate for
R2/Prosecutrix.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.03.2026**

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of anticipatory bail in connection with FIR No. 340/2025 dated 01.07.2025, registered at Police Station Pahar Ganj, District Central, New Delhi, under Section 69 of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Mr. Amod Sharma, learned counsel for the applicant, Ms. Manjeet Arya, learned Additional Public Prosecutor, and Mr. Rakesh Kumar, learned counsel for respondent No. 2 – prosecutrix.
3. Ms. Arya has handed up a status report, which is taken on record.
4. The allegation against the applicant is predicated on sexual intercourse having been established on the pretext of marriage. It is the prosecution's case that the prosecutrix first met the applicant in June



2021, when she was approximately 19 years of age. They became acquainted, and the applicant expressed his intention to marry the prosecutrix. They met again in February 2023, but the first act of the alleged physical relationship on the promise of marriage, took place on 22.07.2024. Similar conduct allegedly took place on two to three occasions thereafter, lastly on 21.12.2024.

5. The FIR was registered on 01.07.2025, wherein it is stated that the prosecutrix had informed her family members about her relationship with the applicant. According to the prosecution, the family members of the applicant also found out about their relationship on 17.01.2025, after which he broke contact with her.

6. The applicant was granted interim protection by an order of this Court dated 27.11.2025. Ms. Arya, instructed by the Investigating Officer [“IO”], submits that the applicant has since joined investigation, and there is no allegation of non-cooperation on his part.

7. Mr. Sharma submits that the present case concerns a relationship of more than three years, during which the allegation of physical relationship also spans approximately five months. Even according to the prosecution, the FIR was lodged only after the family members of the applicant and the prosecutrix became aware of their relationship. He further submits that the applicant has joined investigation, and that his custodial interrogation is not required for any purpose. The applicant is approximately 26 years of age and is a student.

8. Ms. Arya and Mr. Kumar, on the other hand, point out that the chargesheet has not yet been filed.

9. Having heard learned counsel for the parties, I am of the view that



it is not appropriate, at this stage, to deprive the applicant of his liberty. The allegation concerns a relationship of over three years from the initial meeting when, according to the prosecutrix, the applicant first expressed the desire to marry her. Physical relationship was not established until three years thereafter, and continued for about five months. Reference in this connection is also made to the judgments of the Supreme Court in *Samadhan v. State of Maharashtra and Anr.* [2025 SCC OnLine SC 2528] and *Mahesh Damu Khare v. State of Maharashtra* [(2024) 11 SCC 398], which deal with similar allegations of rape on the false pretext of marriage.

10. In the present case, the applicant has been granted interim protection, which remains subsisting. There is neither any allegation of non-cooperation against him, nor has any reason for custodial interrogation been forthcoming. He has no other criminal involvements.

11. In view of the above, it is directed that in the event of arrest, in connection with FIR No. 340/2025 dated 01.07.2025, registered at Police Station Pahar Ganj, District Central, New Delhi, under Section 69 of the BNS, the applicant will be released on bail, subject to furnishing a personal bond in the sum of Rs.20,000/-, with one surety in the like amount, to the satisfaction of the concerned IO/Station House Officer [“SHO”], and subject to the following further conditions:

- a. The applicant shall join investigation as and when required by the IO.
- b. The applicant shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall



not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.

- c. The applicant shall provide his residential address to the concerned IO/SHO, and shall not change his residential address without prior intimation to the IO/SHO.
 - d. The applicant 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 the case.
 - e. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings.
 - f. The applicant shall not commit any offence during the pendency of the proceedings.
12. The application stands disposed of in the above terms.
13. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

MARCH 19, 2026
SS/KA/