



\$~153

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

+ **BAIL APPLN. 4/2026 & CRL.M.A. 16108/2026**

**SHUBHAM THROUGH PAROKAR**

.....Petitioner

Through: Mr. Deepak Singh Thakur,  
Advocate.

versus

**STATE NCT OF DELHI & ANR.**

.....Respondent

Through: Mr. Hitesh Vali, APP with SI  
Anita Meena, P.S. Keshav Puram.  
Mr. Harish, Advocate for  
Prosecutrix alongwith Prosecutrix  
in Person.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **20.05.2026**

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks regular bail in connection with FIR No. 332/2025 dated 26.04.2025, lodged at Police Station Keshav Puram, District North-West, Delhi, under Sections 376/406/509 of the Indian Penal Code, 1860 ["IPC"].
2. I have heard Mr. Deepak Singh Thakur, learned counsel for the applicant, Mr. Hitesh Vali, learned Additional Public Prosecutor, and Mr. Harish, learned counsel for the complainant – prosecutrix. The State has also filed a status report dated 30.01.2026, which is on record.
3. The prosecution case, as it appears from the material on record,



may be summarised as follows:

- a. The prosecutrix has completed a post-graduate degree from Indira Gandhi National Open University. She was working in a Cosmetic Beauty Product Shop in Sadar Bazaar in July 2016. The applicant, a resident of Kaithal, Haryana, came to the said shop in connection with his cosmetic business. In connection with the business, the prosecutrix had given him her phone number, and he was to contact her for the purchase of products.
- b. The applicant wanted a relationship with the prosecutrix, which she declined; however, she agreed to his desire to remain friends.
- c. In October 2016, the prosecutrix's parents were away from home when the applicant asked her if he could visit her home on the pretext of borrowing money. She gave him her home address for this purpose. Upon visiting her home, when she went towards the kitchen, he forced her into a room, bolted it from inside, and committed sexual intercourse without her consent. He also blackmailed her and took nude photographs and videos, on the basis of which he continued to threaten her with their publication.
- d. Due to fear, she continued to meet the applicant, who extended a promise of marriage, on the basis of which the prosecutrix continued to establish physical relations with him on several occasions.
- e. The applicant declined the prosecutrix's requests for marriage on the ground of his financial condition.
- f. The prosecutrix purchased a motorcycle for him in the year 2019 so that he could establish an online delivery job, and in 2020, on



the pretext of marriage, she also purchased a car for him to enable him to commence a tour and travel business. He did not fulfil his promise to reimburse the EMI amounts to her. He also did not return the motorcycle when requested.

- g. The FIR mentions that the prosecutrix remitted a sum of approximately Rs. 8 to 10 lakhs to the applicant, as well as to his brother, and his maternal uncle. However, in the status report, it is recorded that the prosecutrix has stated that an amount of approximately Rs. 13.14 lakhs was, in fact, transferred to the applicant's bank account, of which approximately Rs. 1.38 lakhs was returned. Additionally, certain amounts were transferred to other members of his family.
  - h. During the course of investigation, Medico-Legal Case of the prosecutrix was conducted on 26.04.2025, in which she reported a history of physical and sexual assault by the applicant since 2016, and stated that the last sexual contact occurred in June/July 2024, after which she filed a complaint on 19.04.2025.
  - i. The applicant was arrested on 20.05.2025.
  - j. The motorcycle and car in question have been recovered and released to the prosecutrix on *superdari*.
  - k. The prosecutrix made a complaint on 27.07.2025 with regard to threats from family members of the applicant, which, according to the prosecution, could not be substantiated due to lack of direct evidence.
4. In support of the present application, Mr. Thakur submits that the investigation in the present case is complete and the chargesheet has



already been filed. The prosecution has cited 33 witnesses, but the trial has not yet commenced. The applicant has been in custody for one year. He further submits that the facts of the case disclose a long relationship between the applicant and the prosecutrix, lasting approximately 8 years. The applicant and the prosecutrix were also of a similar age, and it is contended that the relationship was, in fact, consensual in nature. He submits that the applicant has no prior criminal antecedents, and that the allegations of threats or influence upon the prosecutrix have not been substantiated.

5. Mr. Vali and Mr. Harish, on the other hand, submit that the prosecutrix has made specific and categorical allegations against the applicant, commencing with the first incident of forced sexual intercourse in October 2016, and a relationship that was established thereafter on the false pretext of marriage. It is submitted that the prosecutrix has stood by the same version in her statement under Section 164 of the Code of Criminal Procedure, 1973.

6. Additionally, Mr. Harish submits that the prosecutrix apprehends further threats and attempts to influence her, if the applicant is released from custody at this stage. It is also submitted that, although the chargesheet has been filed, the trial is at an initial stage.

7. Having heard learned counsel for the parties, I am of the view that it is appropriate, in the facts and circumstances of the present case, to release the applicant on bail. Although the allegations under Section 376 of the IPC are doubtless serious, that cannot be the sole determinative factor for adjudication of a bail application. The FIR has been registered on the basis of a complaint dated 19.04.2025, which itself refers to the



first incident of alleged forcible sexual intercourse approximately 8 years prior, in October 2016, followed by a relationship spanning about 8 years, with the prosecutrix reporting the last incident of sexual intercourse in June/July 2024. The allegations, other than the first incident of October 2016, relate to a sexual relationship on the false promise of marriage, on the basis of which it is alleged that the prosecutrix also provided the applicant with a motorcycle and a car.

8. As far as an offence of rape on the false pretext of marriage is concerned, the judgment of the Supreme Court in *Prithvirajan v. The State Rep. by the Inspector of Police and Anr.* [SLP (Crl.) No. 12663/2022, decided on 20.01.2025], requires the establishment of several ingredients. The following observations of the Court are relevant for the present purposes:

**“6. This Court has time and again reiterated that only because physical relations were established based on a promise to marry, it will not amount to rape. For the offence of rape to be attracted, the following conditions need to be satisfied: first, the accused promised to marry the prosecutrix solely to secure consent for sexual relations without having any intention of fulfilling said promise from the very beginning; second, that the prosecutrix gave her consent for sexual relations by being directly influenced by such false promise of marriage. [See: Pramod Suryabhan Pawar v. The State of Maharashtra and Ors. (2019) 9 SCC 608; Mahesh Damu Khare v. The State of Maharashtra and Ors. 2024 SCC OnLine SC 347]**

7. The instant case is one of consensual relationship between the appellant and prosecutrix. **Even otherwise, it does not appear from the record that the initial promise to marry allegedly made by the appellant was false to begin with.** Perusal of FIR itself suggests that the alleged promise to marry could not be fulfilled by the appellant due to intervening circumstances. Consequently, the relationship ended because of which the present FIR came to be registered. Under these circumstances, letting the appellant face trial would be nothing short of an abuse of the process of the Court. This cannot be permitted.”

[Emphasis supplied.]



9. Further, 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], the Court has also clarified that every romantic relationship that turns sour, even if it was originally predicated on a prospect of marriage, does not satisfy the ingredients of the aforesaid offence. The defence case of a long consensual relationship between two educated adults of similar age also cannot be characterised as inherently implausible.

10. As far as the allegations of financial transactions between the applicant and his family and the prosecutrix are concerned, the chargesheet has already been filed and the evidence is largely documentary in nature.

11. While the above consideration are matters for trial, a *prima facie* assessment of the material on record, as required at the stage of bail, does not, in my view, justify the further deprivation of the applicant's liberty in the facts and circumstances of the present case.

12. The applicant has already been in custody for one year. As 33 witnesses have been cited and the trial has not yet commenced, it is unlikely that the proceedings will conclude within a short time. The applicant also has no prior criminal antecedents.

13. The prosecution, in its status report, has specifically stated that the allegations with regard to the influence or threats extended to the prosecutrix, have not been substantiated due to lack of direct evidence. I am of the view that the prosecutrix's apprehension in this regard can be allayed by imposition of strict conditions upon the applicant.

14. For the aforesaid reasons, it is directed that the applicant be



released on bail in connection with FIR No. 332/2025 dated 26.04.2025, lodged at Police Station Keshav Puram, District North-West, Delhi, under Sections 376/406/509 of the IPC, subject to furnishing of a bail bond in the sum of Rs. 25,000/-, with one surety in the like amount, to the satisfaction of the concerned Trial Court/Duty Magistrate, and subject to the following further conditions:

- a. The applicant shall appear before the Sessions Court on each and every date of hearing fixed;
- b. The applicant shall provide his permanent address to the Sessions Court, as also the address where he is residing during the pendency of the case. The applicant shall intimate the concerned Investigating Officer [“IO”]/ Station House Officer [“SHO”], and file an affidavit before the Sessions Court, regarding any change in his residential address;
- c. The applicant shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO/SHO, during the pendency of the trial;
- d. The applicant shall not, directly or indirectly, contact the prosecutrix or her family members, or exert any influence upon them. In the event the prosecutrix makes any complaint of this nature, the IO is directed to take appropriate action in accordance with law. It is made clear that any breach of this condition may lead to cancellation of bail granted to the applicant;
- e. The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the



facts of the case or tamper with the evidence of the case, in any manner whatsoever;

f. The applicant shall not commit any offence during the period of his release.

15. The bail application is disposed of in terms of the above.

16. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

17. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

**PRATEEK JALAN, J**

**MAY 20, 2026**  
'pv/KA'/