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

% ***Date of Decision: 18.11.2026***

\# **CNR No. DLHC010518962026**

\+ **BAIL APPLN. 4613/2026**

AMIT RANA .....Petitioner

Through: Mr. Sahil Malik, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR .....Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Shyam, PS Hari Nagar
Victim in person.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The applicant seeks anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') in FIR No.223/2026, dated 17.08.2026, registered under Section 69 of the Bharatiya Nyaya Sanhita ('BNS'), at P.S. Hari Nagar, Delhi.

2. The factual conspectus is that the applicant and the respondent no.2 allegedly came in contact through social media in August 2025 and met in person in November, 2025. In her complaint dated 16.08.2026, the prosecutrix alleges that the applicant promised to marry her. There are also allegations that, on the night of 20.11.2025, the petitioner mixed some intoxicants in her food, established physical relations with her without her consent and secretly recorded an intimate video of her.

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3. It is alleged in the FIR that the petitioner rented a 2 BHK flat in her name, located at property bearing D-35, Mohan Garden, Khasra No.574, Village Nawada, Uttam Nagar, New Delhi-110059.

4. It is stated in the FIR that since December, 2025, the respondent no.2 was staying in that flat.

5. The prosecutrix also alleges that the petitioner's parents assured her of marriage and that on 22.05.2026, the petitioner and the respondent no.2 travelled to her hometown in Aurangabad to meet her mother.

6. It is alleged that the petitioner spoke with the respondent no.2's mother as a prospective groom and even had a phone conversation with his parents, who once again confirmed the marriage proposal to the respondent no.2's mother.

7. It is alleged that the family of the respondent no.2 was trapped in a 'web of deceit'. Certain monies are also stated to have been paid by the respondent no.2 to an immigration agency at the instance of the petitioner. A further sum of Rs.1,00,000/- (One Lakh) is also stated to have been paid to the petitioner.

8. It is alleged that from 08.07.2026 to 10.07.2026 the petitioner and the complainant stayed at a hotel. Thereafter, the applicant and his family cut off contact.

9. On 09.08.2026, the applicant addressed a complaint to the police that the prosecutrix was threatening to implicate him in false cases unless money was paid to her, and that a demand of Rs.10,00,000/- (Ten Lakhs) had been made from his father on her behalf. The petitioner booked his air tickets for travel from Delhi to Bangkok on 09.08.2026 and travelled to travel to Bangkok on 10.08.2026.

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10. The petitioner's application for anticipatory bail came to be dismissed by the learned Sessions Court on 26.09.2026.

11. During the course of hearing today, it is informed on behalf of the petitioner that he travelled from Bangkok to Kathmandu on 07.09.2026 and thereafter came to Delhi by road from Kathmandu.

12. It transpires that the statement of the prosecutrix under Section 183 BNSS has been recorded. It is also informed that the applicant's parents have joined the investigation.

13. Learned counsel for the applicant submits that the relationship was consensual and lasted about eight months. It is submitted that the FIR followed the applicant's own compliant dated 09.08.2026 and the legal notice on behalf of the respondent no. 2 dated 10.08.2026. It is submitted that he left India even before the FIR was registered. While relying upon the consensual nature of the relationship to refute the allegations made against him (as regards making a false promise of marriage), he submits that that he shall join the investigation and shall abide by every condition that may be imposed by the respondent no.2 / complainant.

14. Learned APP for the State opposes the application.

15. It is stated by learned APP that the allegations include sexual assault, recording of intimate videos, threats and exploitation. It is strongly emphasized by learned APP that the petitioner evaded the process of law inasmuch as he travelled to Thailand and did not return to India by flight to circumvent the Look Out Circular ('LOC') dated 21.08.2026 that had been opened against him.

16. I have considered the rival contentions.

17. It is noticed that the applicant left India on 10.08.2026, even before

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the FIR was registered on 17.08.2026 and before the LOC was opened.

18. It also transpires that no notice under Section 35 BNSS was given to the petitioner. Further, the parents of the petitioner have already joined the investigation.

19. The petitioner has placed his air tickets and the relevant passport entries on record pursuant to the directions issued on the previous date of hearing. They are consistent his version that he travelled from Bangkok to Kathmandu on 07.09.2026.

20. What weighs with the Court is the undertaking of the petitioner that they shall join the investigation and shall fully cooperate therewith. He also undertakes to abide by any conditions that may be imposed on him.

21. It is well settled that where an accused joins the investigation and cooperates with the investigating agency, his custodial interrogation is ordinarily not necessary. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra***, (2011) 1 SCC 694, the Supreme Court observed as under:

> *"89. It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided."*
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> *"113. Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record."*

22. Further, the investigating agency is not left without remedy if the accused, after being granted anticipatory bail, fails to cooperate. The

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Supreme Court in the ***Sushila Aggarwal v. State (NCT of Delhi)***, (2020) 5 SCC 1 has made the following observations:

> *"92.9. It is open to the police or the investigating agency to move the court concerned, which grants anticipatory bail, for a direction under Section 439(2) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc."*

23. What further weighs with the Court is the fact that the parties have admittedly had a relationship since November, 2025 and the FIR came to be registered only in August, 2026.

24. Accordingly, the applicant is granted anticipatory bail in FIR No.223/2026. In the event of his arrest, he shall be released on bail on furnishing of a personal bond in the sum of Rs. 50,000/- with one surety of like amount to the satisfaction of the Trial Court / Arresting Officer. The same shall be subject to the following conditions:

i. The applicant/petitioner shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;

ii. The applicant/petitioner shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;

iii. The applicant/petitioner shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;

iv. The applicant/petitioner shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all

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times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

v. The applicant/petitioner shall not directly or indirectly contact the complainant/victim, any prosecution witness, and their family members;

vi. The applicant/petitioner 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;

vii. The applicant/petitioner shall appear before the Trial Court on each and every date of hearing;

viii. The applicant/petitioner shall not indulge in any criminal activity during the period of bail; and

ix. The petitioner shall join the investigation on 19.11.2026 at 04.00 PM and thereafter as and when required by the Investigating Officer (IO);

x. He shall give the Investigating Officer all such documents and access to his devices / social media accounts, as may be required.

xi. He shall hand over his passport to the Investigating Officer (IO). The same shall be deposited before the Trial Court and shall not be released unless so ordered by the Trial Court.

25. If any of these conditions is breached, including failure to join the investigation, it shall be open to the State to seek cancellation of bail.

26. The petition is disposed of in the above terms.

27. It is clarified that the observations made herein are solely for the

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purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.

NOVEMBER 18, 2026/cl **SACHIN DATTA, J**

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