



2026:DHC:8389



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.09.2026

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CNR No.DLHC010461062026

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CRL.M.C. 7188/2026, CRL.M.A. 30066/2026, CRL.M.A. 30067/2026 & CRL.M.A. 30068/2026

XYZ (VICTIM)

.....Petitioner

Through: Mr. Pawan Mehta, Mr. Kanav Bhatia
and Ms. Geetanjali, Advocates.

versus

STATE (NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP along with
Mr. Mohd. Naved and Mr. Mayank
Ch., Advocates.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the complainant in FIR No. 379/2026 dated 24.08.2026 under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered at P.S. Malviya Nagar.
2. The said FIR came to be registered pursuant to an order passed by this Court on 20.08.2026 in W.P.(CRL) 2528/2026.
3. The FIR alleges that the respondent no.2, whom the petitioner met on social media in September, 2024, repeatedly promised marriage. On the basis of the assurances given by the respondent no.2, the petitioner was induced to enter into sexual relations with the respondent no.2.
4. The petitioner, seeks cancellation of bail granted to the respondent no.2 by the learned ASJ-02, South District, Saket Courts, Delhi vide order



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dated 16.09.2026.

5. The respondent no.2 was arrested on 01.09.2026. He was granted bail on 16.09.2026. The mobile phone of the respondent no.2 has already been seized and sent to FSL.

6. Learned ASJ noted that no further judicial custody of the respondent no.2 is warranted. It was further held that the investigation could continue while the respondent no.2 is on bail. The impugned order dated 16.09.2026, granting bail to the respondent no.2, imposed suitable conditions so as to ensure that there was no contact between the petitioner and the respondent no.2.

7. The conditions imposed *vide* order dated 16.09.2026, are as under:

- I. The accused shall furnish personal bond and surety bond in the sum of Rs.50,000/- each to the satisfaction of Ld. Trial Court/Ld. Duty JMFC.
- II. The accused shall not contact, approach, intimidate, threaten, or attempt to influence the complainant or any of the witnesses in any manner whatsoever.
- III. The accused shall ensure that no act on his part creates any sense of fear, apprehension, or intimidation in the mind of the victim/complainant.
- IV. He shall not make or publish anything concerning the complainant that may prejudice her reputation.

8. Learned counsel for the petitioner submits that the bail ought not to have been granted to the respondent no.2, prior to completion of investigation and filing of the charges. He relies upon the following judicial precedents:

(i) ***Jayant Vats vs. State (NCT of Delhi)*** dated 17.02.2026 passed by this Court in BAIL APPLN. 422/2026; and



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(ii) **XXXX vs Afaq Ali Khan** dated 23.04.2026 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar in BAIL APPLN. 101/2024.

9. Having considered the factual conspectus, this Court is not inclined to accept the plea of the petitioner.

10. At the outset, it is noticed that setting aside an order granting bail is materially different from cancelling the bail for misconduct after release. The former requires the order be perverse or unjustified.

11. In the present case, it is noticed that the order whereby bail has been granted by the learned ASJ, takes into consideration the relevant facts and circumstances. It cannot be said that any relevant material or circumstances has been ignored.

12. Learned ASJ has considered the nature of the allegations and the stage of the investigation, and recorded that custodial interrogation is not required. Learned ASJ has further considered the petitioner's apprehension of contact. The conditions imposed on the respondent no.2, specifically protect the petitioner.

13. In the opinion of this Court, once a bail is granted, it cannot be set aside merely because another view is possible. Reference in this regard may also be placed upon the observations of this Court in **Central Bureau of Investigation vs. Sanjay Pandey & Connected Matter**, 2026:DHC:8163, wherein this Court has observed as follows:

"49. More recently, in Ashok Dhankad v. State (NCT of Delhi), 2025 SCC OnLine SC 1690 the Apex Court after considering its earlier decisions including the decisions in Neeru Yadav v. State of U.P. [supra], Y v. State of Rajasthan [supra] and Meena Devi v. State of U.P [supra] consolidated the principles governing a challenge to an order granting bail and distinguished such a challenge from an application seeking cancellation of bail. The principles were summarised as follows:



“19. The principles which emerge as a result of the above discussion are as follows:

(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;

(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;

(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. [See: *Y v. State of Rajasthan (Supra)*; *Jaibunisha v. Meherbhai and Bhagwan Singh v. Dilip Kumar @ Deepu*^{10]}

(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime;

(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and

(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above.” [Emphasis supplied]

50. The legal position emerging from the aforesaid authorities is that a challenge to the correctness of an order granting bail and an application seeking cancellation of bail on account of subsequent events operate in distinct fields. In the former, the superior court examines whether the discretion exercised at the time of granting bail stands vitiated by perversity, illegality, non-application of mind, consideration of irrelevant material or omission to consider material and relevant circumstances. In the latter, the inquiry ordinarily centres upon the subsequent conduct of the accused, violation of the conditions of bail or the emergence of supervening circumstances. Even while examining the correctness of an order granting bail, the superior court cannot undertake a “threadbare” evaluation of the evidence or substitute its own view merely because another view might also be possible.”

14. The judgments relied upon by the learned counsel for the petitioner is



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in the context of the peculiar factual conspectus in those cases. The same do not lay down any hard and fast rule, as sought to be propounded by the learned counsel for the petitioner.

15. In the circumstances, the present petition is dismissed.

16. However, it is made clear that the respondent no.2 shall scrupulously adhere to the conditions imposed *vide* the impugned order dated 16.09.2026.

17. Breach of any of the conditions imposed on the respondent no.2 *vide* order dated 16.09.2026 shall confer a valid cause to cancel the bail granted.

18. Further, to allay the petitioner's concern for her safety, the concerned SHO, P.S. Malviya Nagar is directed to take due, appropriate and necessary action upon any complaint that may be made by the petitioner.

19. Pending application/s also stand disposed of.

SACHIN DATTA, J

SEPTEMBER 25, 2026/at/ka/nb