



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

% **Date of decision: April 17, 2026**

+ **BAIL APPLN. 559/2026**

**KARAMVEER RATHI**

**.....Applicant**

Through: Mr. Tanveer Ahmed Mir, Sr.  
Advocate with Mr. Daksh  
Sachdeva, Advocates

Versus

**STATE OF NCT OF DELHI AND ANR**

**.....Respondents**

Through: Mr. Satish Kumar, APP for the  
State with Mr. Gaurav Singh, Ms.  
Upasna Bakshi and Ms. Divya  
Bakshi, Advocates alongwith SI  
Gunjan Sirohi, PS Rajouri Garden  
Mr. Anuj Kapoor, Mr. Shivam  
Sethi and Mr. Nandeesh Nanda,  
Advocates for complainant

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**J U D G M E N T (Oral)**

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in proceedings arising out of FIR No.580/2025 dated 11.11.2025 registered at PS: Rajouri Garden under *Section 376* of the Indian Penal Code, 1860 (*IPC*) and *Sections 69/351(3)* of Bharatiya Nyaya Sanhita, 2023 (*BNS*).

2. As per FIR, the complainant/ prosecutrix came in contact with the applicant in the year 2022 which led to their friendship. They, thereafter, entered into a live-in relationship, and were residing together in a flat in



Subhash Nagar and the applicant promised to marry the prosecutrix and on that assurance, established physical relations with her without her consent by coercing her and insisting that they are about to get married anyway. To assure the prosecutrix further, the applicant also made her meet his younger sister and brothers and some other relatives. They also travelled together to Dubai (U.A.E.), Goa and Kashmir. The applicant continued to reassure the prosecutrix of his intention to marry her and established physical relations with her on that pretext. Thereafter, the behaviour of the applicant changed and he began to verbally abuse and physically assault the prosecutrix under the influence of alcohol every time she confronted him with his promise to marry her.

3. Though the applicant once again repeated his promise to marry the prosecutrix in December, 2024, he kept postponing the same by giving some excuse or the other, and eventually when she seriously confronted him again with regard to the marriage, days before registration of the FIR, he physically attacked her and ran away, and was untraceable thereafter for *three days*. Then, on 28.10.2025, the applicant contacted the prosecutrix via a phone call and threatened her with physical harm, whereafter the prosecutrix contacted his mother, and during the interaction, she discovered that the applicant was already married and had a *four-year-old* daughter, which had never been disclosed to her by him or his relatives whom she had met. Hence, she approached the Police for sexual, physical and emotional abuse and cheating which led to registration of the present FIR.



4. The applicant was arrested in relation to the FIR on 12.11.2025. The chargesheet has since been filed and the case is now at the stage of framing of charges.

5. Based on the aforesaid, learned senior counsel for the applicant submits that the present is a false and fabricated case and no offence under *Section 69 BNS* is made out against the applicant, primarily, since the prosecutrix, who is an educated woman employed as an Air Hostess having sufficient exposure, was involved in a consensual *three-year-long* relationship with the applicant out of her own free will and volition, and as such, it is highly unlikely that she was completely unaware that he was already married and had a daughter, and that she established a sexual relationship with him on a false pretext of marriage and continued to be misguided for such a long period of time. The learned senior counsel drawn attention of this Court to the decision of the Hon'ble Supreme Court in *Samadhan vs. State of Maharashtra & Anr.:2025 SCC OnLine SC 2528* as also of a Coordinate Bench of this Court in *Manish Kumar vs. State:2025:DHC:7719* and of this Court in *Sushant Kaushik vs. State [order dated 31.10.2023 in Bail Appln.3175/2023]* in support thereof.

6. Further relying upon the contents of the FIR, learned senior counsel submits that even as per the assertions made therein, the live-in relationship between the applicant and the prosecutrix preceded the alleged promise to marry by the applicant, which shows that the physical relations between the applicant and the prosecutrix were not induced by any false assurances, therefore, the ingredients of the alleged offence are missing. The assertions made by the prosecutrix are further belied since the simple fact that the prosecutrix contacted the mother of the applicant



on 28.10.2025 which shows that she was in touch with her, making it improbable and doubtful that she was completely unaware about the same, which is further evident from the changes in her statements made subsequently to the Magistrate and to the IO.

7. Learned senior counsel lastly submits that there is no independent witness/ electronic evidence to support the case of the prosecution, and though MLC was prepared, the prosecutrix refused to get internal examination, hence the same is unreliable. There are also no PCR Calls/ MLC from when the applicant allegedly had forced intercourse with the prosecutrix. Further, though statements of the landlords of the flat wherein the applicant and the prosecutrix were residing have been recorded by the IO, the same are hearsay and have no value. Relying upon the judgement of a Coordinate Bench of this Court in *Amit Agarwal vs. State of NCT of Delhi:2025:DHC:3018*, the learned senior counsel submits that since the chargesheet has been filed and the investigation is already complete, there is no requirement of the applicant continuing to remain in incarceration, and his custody should not be used as a means of punishment pending trial.

8. Learned APP for State, *per contra*, opposes the present application on the ground that the offences alleged against the applicant are serious in nature, as he is responsible for not only violence and non-consensual/ forced sexual intercourse with the prosecutrix, but also continued deceit and obtaining her consent by fraud and coercion. The learned APP submits that the statements of the neighbours/ landlords of the flat where the prosecutrix and the applicant were residing as recorded by the IO are consistent and supporting the case of the prosecution. Further, since there



are only *11 witnesses* of the prosecution, the trial is unlikely to take long time, and considering the proximity of the applicant to the prosecutrix as well as the past conduct of the applicant whereby he has threatened the prosecutrix, there is every likelihood of his engaging in witness intimidation, if released on bail.

9. This Court has heard the learned senior counsel for the applicant as also the learned APP for the State and perused the documents on record as also the judgments cited at the Bar.

10. Prior to advertng on merits involved, this Court is to bear in mind that while dealing with an application for bail, this Court is not to undertake a threadbare analysis of the case of the prosecution and the materials available on record, and rather consider the broad, well-established factors of the nature and gravity of the accusation, risk of abscondence, likelihood of witness intimidation, evidence tampering and repeating of the offence, the overall impact on society at large, and the like, as recently enumerated by the Hon'ble Supreme Court in *Manik Madhukar Sarve & Ors. vs. Vitthal Damuji Meher & Ors.:(2024) 10 SCC 753* and reiterated in *Zeba Khan vs. State of U.P. & Ors.:2026 INSC 144*.

11. As borne out herein, the allegations levelled against the applicant are of a serious nature and cannot be overlooked at this stage merely because the prosecutrix is an educated working woman and was involved in a relationship with the applicant for a period of about *three years* as sought to be argued by learned senior counsel for the applicant. These gain significance as a bare perusal of the record reveals that it has all throughout been her consistent stance of being unaware that the applicant



is already married, she only established sexual relations with him based on his promise to marry her. It is also to be borne in mind that there is no denial by the applicant of the sexual relationship/ acts he had with the prosecutrix, when he was already married. All these sows a sharp seed of doubt in the mind of this Court, as his indulgence in sexual relationship with the prosecutrix, under the existing circumstances, does not inspire confidence to grant regular bail to the applicant.

12. In any event, the rest of the issues sought to be raised by learned senior counsel for the applicant about timing of sexual acts and/ or about the false assertion qua promise of marriage by the applicant and/ or about the prosecutrix having knowledge about the applicant already being married and/ or other similar issues, require a full-fledged trial. Today, whence the proceedings are at a highly nascent stage and the charges are yet to be framed, it is too early for granting regular bail to the applicant on the grounds urged.

13. Also, reliance upon *Samadhan (supra)* by learned senior counsel for applicant is of no assistance, particularly, since the same is relating to adjudication in an appeal from quashing proceedings having a wholly different set of considerations. Further, the accused therein had the intention to marry the prosecutrix at first, and it was the prosecutrix who refused the marriage proposal of the accused several times and then the relationship turned sour. The same is not the situation herein. And it was in those circumstances that the Hon'ble Supreme Court condemned the filing of false rape cases upon failure of private consensual relationships and quashed the concerned FIR.



14. Similarly, reliance upon *Manish Kumar (supra)* and *Sushant Kaushik (supra)* by learned senior counsel for applicant can also not assist the applicant as the facts therein were totally different from the ones here. In *Manish Kumar (supra)*, there was a considerable delay of *two-years* on the part of the prosecutrix to seek lodging of the FIR. In *Sushant Kaushik (supra)*, the applicant/ accused was a student of the prosecutrix, who was a professor about *15 years* older than him, as also, most importantly, she herself was already married at the time of forming of the relationship, and hence, the question of a false promise of marriage by the applicant/ accused did not arise.

15. Moreover, the social context behind cases of the present nature also merits sensitive consideration by this Court. The same has, in fact, also been highlighted in the very case of *Samadhan (supra)* relied on by learned senior counsel for the applicant as follows:

“31. This Court is conscious of the societal context in which, in a country such as ours, the institution of marriage holds deep social and cultural significance. It is, therefore, not uncommon for a woman to repose complete faith in her partner and to consent to physical intimacy on the assurance that such a relationship would culminate in a lawful and socially recognised marriage. In such circumstances, the promise of marriage becomes the very foundation of her consent, rendering it conditional rather than absolute. It is, thus, conceivable that such consent may stand vitiated where it is established that the promise of marriage was illusory, made in bad faith, and with no genuine intention of fulfilment, solely to exploit the woman. The law must remain sensitive to such genuine cases where trust has been breached and dignity violated, lest the protective scope of Section 376 of the IPC be reduced to a mere formality for those truly aggrieved. At the same time, the invocation of this



*principle must rest upon credible evidence and concrete facts, and not on unsubstantiated allegations or moral conjecture.”*

*[Emphasis Supplied]*

16. The aforesaid cumulatively taken, and in light of the clear and specific allegations in the FIR, there is no reason for this Court to grant regular bail to the applicant at this stage.

17. In any event, this Court cannot close its eyes to the other allegations of repeated physical assault(s), abuse and cheating as well as threatening and intimidation in the FIR as well.

18. In light of the afore-going, this Court is of the considered view that the applicant has been unable to make out a case for grant of regular bail at this stage.

19. Accordingly, the present application is dismissed.

20. Needless to say, expression of view(s) on the merits involved, if any, are solely for the purposes of adjudication of the present bail application and shall have no bearing on the overall case/ trial involved.

**SAURABH BANERJEE, J**

**APRIL 17, 2026/rr/rs**