



2026:DHC:7429



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

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Date of Decision: 02.09.2026# **CNR No. DLHC010287872026**+ **BAIL APPLN. 2556/2026**

JAYANT VATS

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Abhishek Gupta, Mr. Bharat
Khurana and Mr. Mukul Malik,
Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State
(*through videoconferencing*) with SI
Anita Meena, PS Keshav Puram.
Mr. Aman Durga and Mr. Aniruddh
Khandelwal, Advocates for R-2 with
R-2.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicants seek regular bail in case FIR No. 01/2026 of PS Keshav Puram for offence under Section 69 of BNS.
2. In furtherance of last order, the prosecutrix filed her detailed affidavit, sworn on 24.08.2026.



2026:DHC:7429



3. Broadly speaking, the prosecution allegation is that the accused/applicant was engaged in a love affair with the prosecutrix across a period of 08 years and he induced her to consent for sexual relationship with the false assurance of getting married and subsequently he backed out on the pretext of mismatch of their horoscopes.

4. Learned Senior Counsel for accused/applicant refers to the orders passed in the petition filed by the present accused/applicant for quashing the FIR and in that case, the prosecutrix had expressed her desire not to make the accused/applicant suffer further incarceration; she also expressed that now she does not want to get married with the accused/applicant. It is submitted by learned Senior Counsel for accused/applicant that the sexual relations between the accused/applicant and the prosecutrix were purely consensual, without any assurance from either side.

5. On last date, the prosecutrix had appeared with her counsel and the matter was adjourned so that she could give it a second thought as to whether she wants to oppose the bail application or not. On last date, the prosecutrix was also directed to file a specific affidavit as regards her stand against or in favour of the present bail application. It is in this context that prosecutrix has filed her affidavit, sworn on 24.08.2026. In her said affidavit, the prosecutrix has testified that she lodged the FIR due to some misunderstanding and misconception between her and the accused/applicant related to their marriage; that she was in a consensual relationship with the accused/applicant since 2018, but now she does not wish to get



2026:DHC:7429



married with the accused/applicant and all their disputes stand amicably sorted out, so she wants to move on.

6. Today also, the prosecutrix has appeared along with her counsel and she submits that she desires the accused/applicant to be released on bail.

7. Learned APP, assisted by Investigating Officer/SI Anita, opposes the bail application on the ground of gravity of offence. It is submitted by learned prosecutor that once FIR was registered, it became a State case and the prosecutrix cannot be allowed to unilaterally withdraw from prosecution. It is submitted that the court ought not to encourage the prosecutrix to turn hostile to prosecution during trial.

8. Of course, technically speaking, in this State case, status of the prosecutrix is as a witness. But one can also not ignore that in such cases the prosecutrix is not mere witness but victim as well. The issue as to whether the eight year long relationship between the accused/applicant and the prosecutrix was purely consensual or the same was tainted by any false assurance to get married will be tested through trial. For the time being, it needs to be understood that the victim herself supports case of the accused/applicant for grant of bail. What stand the prosecutrix takes once she steps into the witness box cannot be anticipated at this stage. If the prosecutrix turns hostile to prosecution, as apprehended by learned APP, law will take its course. In her affidavit dated 24.08.2026, the prosecutrix does not say that her complaint and/or her statements recorded during the



2026:DHC:7429



investigation were false. Moreover, according to the prosecution case also, the accused/applicant and the prosecutrix were in intimate relations for past 08 years and admittedly prosecutrix is major in age, so her consent remains a vital part while analysing the alleged offence. At this stage, learned APP points out that although the prosecutrix had the age of consent, but the consent was tainted in this case. On this aspect, as mentioned above, the prosecutrix herself states in the said affidavit that as regards the decision to get married, there was some misunderstanding and misconception which led to lodging of the complaint. To reiterate, the issue of taint on consent would be examined by the trial court on the basis of evidence to be adduced by both sides.

9. Considering the above circumstances, I find no reason to deprive further liberty to accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 02, 2026/ry