



2025:DHC:7719



\$~3

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

%

Date of Decision: 04.09.2025

+ **BAIL APPLN. 2750/2025**

MANISH KUMAR

.....Petitioner

Through: Mr. Yogesh Sharma and Ms. Pratima,
Advocates

versus

STATE (THROUGH SHO PS CHITTRANJAN PARK)

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Neetu, PS C.R. Park
Mr. Nitish Banka and Mr. Lakshay
Manchanda, Advocates for
prosecutrix

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 88/2025 of PS Chittaranjan Park for offence under Section 376 IPC. I have heard learned counsel for accused/applicant as well as learned APP for State and learned counsel for prosecutrix.

2. Broadly speaking, prosecution case as unfolded through the FIR registered on the statement of prosecutrix is as follows.



2025:DHC:7719



2.1 The prosecutrix aged about 28 years is an educated lady, employed as a consultant and frequently travelling abroad. In her complaint, the prosecutrix alleged that in the month of May-June 2019, while working on a project under the Ministry of Women & Child Development came in contact with the accused/applicant, who was employed with PricewaterhouseCoopers India. The accused/applicant initially contacted her in relation with their work profile and subsequently their professional relationship converted into their personal relationship and he started texting her frequently.

2.2 After some time, the accused/applicant was assigned another project so he stopped visiting her office, but they continued texting each other and started meeting.

2.3 The accused/applicant never disclosed that he was already married. At that time, the prosecutrix (*according to the FIR*) was aged 23 years. In the month of July 2019, the accused/applicant invited her to a hotel in Connaught Place for casual outing and proposed her with the promise of a committed relationship and expressed his desire to marry her within a year or two. The prosecutrix accepted the proposal as she liked him and they entered into a committed relationship. They continued meeting at various locations mentioned in the FIR.

2.4 In the second week of September 2019, the accused/applicant took the prosecutrix to the house of his friend, who was not at home and there they spent 2-3 hours during which on his promise to get married within a year or



2025:DHC:7719



two, they indulged in sexual relationship, after which he dropped her home.

2.5 Over a period of time, their relationship got stronger with frequent meetings in Delhi and frequent visits together outside Delhi as well and they continued their sexual relations.

2.6 In January 2020, when she was hospitalized, the accused/applicant visited her and continued to support her, however, in January 2020, she started sensing something wrong in his behavior as if he was concealing something. But their relationship continued. Whenever he would receive phone calls from his wife in presence of the prosecutrix, he would tell her that the lady calling is his ex-girlfriend. That also made the prosecutrix feel uneasy, but she continued the relationship.

2.7 From September 2020, the accused/applicant also started taking the prosecutrix to his family home multiple times where they would spend time alone. In October 2020 also they travelled outside Delhi, after which in November 2020 he introduced her to his cousins but they also did not mention about his marital status. In June 2021, she also met his parents. Thereafter, in December 2021, also he took her to New Year party at his sister's home where all his family members were present but did not indicate that he was married. In March 2021, the prosecutrix took him to her hometown in Uttarakhand and introduced him to her family.

2.8 Across further period also their relationship continued. Even after he shifted to a new apartment in the year 2022 the prosecutrix would visit him



2025:DHC:7719



often and in the living room of that house, they would consume liquor together while his parents would be in the other room.

2.9 In the month of November 2021, on account of some bickering, the accused/applicant pushed her with force due to which her head hit the wall, causing her a severe head injury, but she did not lodge any complaint. Even thereafter their relationship continued and she would buy him expensive gifts, including high end alcohol out of her meager salary. Even during their visits out of Delhi at places like Agra, Goa, Nainital etc, expenses of both of them would be borne by the prosecutrix herself.

2.10 In September 2021, the prosecutrix expressed her desire to pursue her Masters Degree abroad but the accused/applicant dissuaded her in the name of getting married. But despite his resistance, she opted to give preference to her career and shifted to Dublin on scholarship.

2.11 According to the prosecutrix, she discovered the deceit in December 2022-January 2023 when the accused/applicant visited her in Dublin and convinced her to finance their Europe trip, which she did and they travelled together to various destinations in Europe in January 2023 at her cost. It is during that trip on the night of 04.01.2023 when the accused/applicant was drunk, she accessed his mobile phone and discovered the pictures and WhatsApp chats revealing that he was already married and dating other women. But she did not disclose him about the revelation from mobile phone and they returned. On 11.01.2023, she confronted him about his marital status and told him about her having seen the material in his mobile



2025:DHC:7719



phone, in response to which he slapped her accusing her of violating his privacy. Even after the prosecutrix returned to Dublin, the accused/applicant would try to revive their relationship but she refused.

2.12 Ultimately, on 22.04.2025 the prosecutrix lodged police complaint which was registered as the FIR.

3. On behalf of accused/applicant, it is contended that the FIR is based on an extraordinarily long complaint. It is also argued that the prosecutrix being a well educated working lady travelling even abroad repeatedly in connection with her work, it is not believable that she would be so gullible as to enter into long time sexual relations with the accused/applicant, blindly believing his promise to get married, which promise would be kept alive for so many years. It is also contended that since the prosecutrix herself claims that she visited residence of the accused/applicant number of times and even met his parents, sister and cousins, it is not believable that on those visits across such a long period, she would not have come across any material reflecting that the accused/applicant is a married man. Further, it is contended that in January 2020 itself, the prosecutrix claims to have sensed something wrong but she continued relationship with the accused/applicant, which clearly shows that it was a consensual relationship between the two. Even after the alleged revelation of marital status of the accused/applicant in January 2023, the prosecutrix did not lodge any complaint for more than two years and that, according to learned counsel for accused/applicant raises strong suspicion about truthfulness of the FIR.



2025:DHC:7719



4. Learned counsel for prosecutrix opposes the anticipatory bail application and contends that delay in lodging FIR cannot be a ground to reject the same. It is submitted by learned counsel for prosecutrix that since prosecutrix was residing abroad, she lodged the FIR soon after returning to India.

5. Learned APP submits that chargesheet has already been filed and there is no serious objection to grant of anticipatory bail in view of the aforesaid.

6. Considering the overall circumstances described above, I find substance in the submission of learned counsel for accused/applicant that *prima facie*, it appears to be a clear case of extramarital consensual relations between the accused/applicant and the prosecutrix; and that it is not believable that across such long period of relationship, the prosecutrix would have remained in dark about marital status of the accused/applicant.

7. As regards the delay in lodging the FIR, merely because the prosecutrix was not in India, the delay cannot be explained. Nothing prevented the prosecutrix from lodging such complaint wherever she was residing in January 2023, when the alleged fraud was revealed to her from mobile phone of the accused/applicant. Looking into the above described profile of the prosecutrix, it also cannot be a case that she was scared to take action against the accused/applicant in time.

8. At this stage, I must add a cautious rider that the above observations



2025:DHC:7719



are only for limited purpose of deciding the issue of liberty of the accused/applicant by ascertaining as to whether there is sufficient material connecting the accused/applicant with the alleged offence. None of the above observations shall be kept in mind by the trial court at the final outcome of the proceedings.

9. In view of above discussion, I do not find any reason to deprive the accused/applicant of liberty. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the IO/SHO. It is also directed that the petitioner shall join investigation, as and when directed by the IO in writing.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 04, 2025/as