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

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Date of Decision: 07.04.2026

+ **BAIL APPLN. 1336/2026 & CRL.M.A.10519/2026**

KAPIL THAKUR

.....Petitioner

Through: Mr. Bharat Singh and Mr. Durgesh
Kumar Dubey, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/SI Neetu.
Mr. J.K. Singh and Mr. Pankaj Singh,
Advocates for prosecutrix with
prosecutrix and mother of prosecutrix
in person.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No.94/2026 of Police Station Ranhola for offence under Section 69 BNS.

2. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/SI Neetu. I have also heard the



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prosecutrix as well as her mother and counsel.

3. Broadly speaking, the prosecution case is as follows. The prosecutrix lodged complaint on which FIR was registered on 11.02.2026. In that complaint, the prosecutrix alleged that she knew the accused/applicant since the year 2023 and they fell in love with each other. Thereafter, in December 2024 at request of the accused/applicant and his mother, the prosecutrix started living in the home of the accused/applicant in order to take care of his ailing sister. The prosecutrix lived in the home of the accused/applicant from January 2025 to September 2025, during which period they established sexual relations. According to the prosecutrix, she consented for sexual relations only because the accused/applicant promised to get married with her. There were multiple occasions when they indulged in sexual intercourse. Further, the prosecutrix alleges that the accused/applicant took from her jewellery worth Rs.50,000/- and cash Rs.20,000/-, which he has not returned.

4. Learned counsel for accused/applicant contends that the relations between the accused/applicant and the prosecutrix were consensual relations, with no promise of marriage. It was a case of live-in relationship according to learned counsel for accused/applicant. Further, it is submitted that on account of gross misconduct of the prosecutrix in abusing mother of the accused/applicant in filthy language, he had no



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reason to get married with her. In this regard, learned counsel for accused/applicant has referred to Annexure A-8 to the application. The said Annexure A-8 is transcript of audio recording of the conversation between the accused/applicant and the prosecutrix.

5. Learned counsel for prosecutrix opposes the bail application only on the ground that if released on bail, the accused/applicant will pressurize the prosecutrix. The prosecutrix submits that she started living in the home of the accused/applicant only because she wanted to help the ailing sister of the accused/applicant but the accused/applicant did not pay back the cash Rs.20,000/- taken by him from her and her jewellery worth Rs.50,000/-. As regards the abusive language used by the prosecutrix against mother of the accused/applicant, it is contended by counsel for the prosecutrix that since the accused/applicant was not getting married with her, out of frustration she uttered those filthy abuses against his mother.

6. Learned APP for State assisted by Investigating Officer/SI Neetu having gone through the audio transcript of conversation between the accused/applicant and the prosecutrix submits that appropriate orders may be passed. However, the Investigating Officer has shown me in the pendrive an audio-visual recording of the accused/applicant, which according to her is the promise to get married.

7. To begin with, the said audio-visual recording played by the



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Investigating Officer in court today does not depict, in my view, a promise to get married. The said audio-visual clip is an incomplete extract in which the accused/applicant tells the lady (*not visible in the clip*) that he would get married, provided she does not bother him again and does not come to his home. The tone and tenor of the accused/applicant in that clip is as if he is annoyed and wants not to be bothered again by the lady. It is stated by the prosecutrix that the said audio-visual clip was recorded on 19.09.2025. But by then, the prosecutrix already had multiple sexual incidents with the accused/applicant while living in his home since January 2025. Of course, at the final stage of trial, the learned trial court shall take independent view on the basis of overall evidence adduced.

8. Keeping in mind the nature of these proceedings, I would refrain from holding whether it was a case of consensual relations or the relations based on false promise to get married. For present purposes, it has to be kept in mind that the prosecutrix is a grown up and educated lady, who was into live-in relationship with the accused/applicant for almost 09 months and her only concern as conveyed through her counsel is that if granted bail, the accused/applicant would harass her. Also, her grievance is that the accused/applicant has not returned her jewellery worth Rs.50,000/- and cash Rs.20,000/-.

9. In view of the aforesaid, I find no reason to further deny liberty to the accused/applicant. Therefore, the bail application is allowed and the



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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. It is specifically directed that the accused/applicant shall not contact the prosecutrix in any manner whatsoever. Pending application stands disposed of.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 7, 2026/ry