



2026:DHC:9080



few times and once, he even visited her home for coffee and they spoke with each other. On 13.05.2026 at about 12:00 noon, he again met her at a bus stand and impressed upon her that he was unmarried and would speak with his family for their marital prospects. After a few days, she received text messages from his wife Dimpy, warning her to stay away from him, so she again blocked the accused/applicant. On 22.05.2026, at about 03:30pm, she called him to her home when none else was present. The accused/applicant entered into physical relations with her, after which when she expressed grouse, he assured to get married with her after convincing his family. During the said period, he had also clicked some videos and pictures of hers in his mobile phone. Same day, at about 07:30pm, he again visited her home as she called him up and at that time, her brother saw him. She compromised the matter with him and about 2-3 days thereafter, he again called her up, after which her brother Aditya brought him to their home but there also the accused/applicant started misbehaving with her family, so she broke away his mobile phone in the course of his being beaten up by her family, regarding which his wife lodged a police complaint.

3. Against the above backdrop, learned counsel for accused/applicant contends that even according to the version of the prosecutrix, the physical relations between the two of them were purely consensual, though not moral because the accused/applicant is a married man. It is also submitted that initially, it is the wife of the accused/applicant who lodged police complaint registered as FIR No. 328/2026 dated 29.05.2026 regarding the assault on the accused/applicant by the prosecutrix and her family, which followed as

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counter-blast, the present FIR dated 19.06.2026. It is also stated that one of the persons accused in FIR No. 328/2026 is still in jail.

4. Learned APP for State opposes this bail application only on ground of gravity of the alleged offence, though does not dispute the abovementioned allegations of both sides.

5. The prosecutrix as well as her counsel also are present in court and I have heard them in Hindi as well. The prosecutrix submits that she is 24 years old and a graduate by qualification, but not employed. The prosecutrix submits that mobile phone of the accused/applicant was broken by her only in the incident which allegedly took place on 28.05.2026. It is also stated by prosecutrix that she apprehends that if released on bail, the accused/applicant would again try to contact her and to pressurize her for relationship. But despite being asked repeatedly, she does not come up with any convincing submission as to in what manner the accused/applicant repeatedly persuaded her to restart their relationship.

6. To reiterate, the prosecutrix is a grown up lady and graduate by qualification, not a gullible child or uneducated simpleton.

7. Some of the significant facts for present purposes are as follows. The prosecutrix is residing in the same vicinity as the accused/applicant. The prosecutrix had seen the accused/applicant with her father, because shop of her father is near residence of the accused/applicant. Initially, the

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relationship between the prosecutrix and the accused/applicant was only friendly, with no sexual indulgence and when she came to know that he is married, she blocked him. But again, she unblocked him on being convinced that he is unmarried. There is no clear explanation by her as to in what manner the accused/applicant succeeded in convincing her that he is unmarried. There is also no clarity as to how she came to know that he is married and what further steps she took as regards their relationship. Even thereafter, he visited her home for coffee and after a few days, they again met at a bus stand. The prosecutrix, apparently, did not even verify his marital status from her father who knew the accused/applicant and the accused/applicant had even visited their home over coffee. Thereafter, again she blocked the accused/applicant, but once again she unblocked him and called him home when none else was present and at that time, they had sexual intercourse. It is thereafter, that the accused/applicant was assaulted by family members of the prosecutrix, leading to the FIR No. 328/2026 followed by the present FIR of rape. During the said assault, she broke away the mobile phone of the accused/applicant, and even that broken phone has not been sent for forensic retrieval of the pictures and/or videos of the prosecutrix which were allegedly clicked by him to blackmail her into the sexual relationship.

8. For the purposes of bail, I find substance in the submission of learned counsel for accused/applicant that the relationship between the accused/applicant and the prosecutrix was apparently a consensual relation. But I must also add a cautious rider that these observations are limited to the

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purpose of analysis of rival arguments for consideration of bail application and at the final stage, the trial court shall take independent view on the basis of material on record. For present purposes, it has to be noted that in such a situation, the accused/applicant is in jail since 30.06.2026 and chargesheet has already been filed.

9. Considering the above circumstances, I do not find any reason to deprive further liberty to the 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.25,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

10. Of course, it is made clear that in case the accused/applicant tries to contact the prosecutrix or any of her family members in any manner whatsoever, strict consequences in accordance with law shall follow.

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

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(JUDGE)

OCTOBER 13, 2026/as

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