



2025:DHC:6283



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

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Date of Decision: 31.07.2025

+ **BAIL APPLN. 2033/2025**

AAKASH SINGH

.....Petitioner

Through: Mr. Ankit Roy and Mr. Taha Yasin,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Usha Yadav.
Mr. Subhash Solanki, Advocate for
R-2.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (O R A L)

1. The accused/applicant seeks regular bail in case FIR No. 973/2024 of Police Station Mehrauli for offence under Section 64/69/351 of BNS. Broadly speaking, the allegation against the accused/applicant is that he established sexual relations with the prosecutrix on false promise of marriage, though on this aspect, the stand taken by the accused/applicant is that it is the prosecutrix who backed out of the relationship between them. Another aspect of the prosecution case is that the accused/applicant maligned the prosecutrix by circulating her objectionable pictures and videos amongst her relatives, due to which her proposed matrimony with a



third person got cancelled. I have heard learned counsel for accused/applicant and learned APP as well as learned counsel for prosecutrix.

2. On behalf of accused/applicant, it is contended that he has been falsely implicated because the prosecutrix, with whom he had consensual relations, does not want to continue the relationship. Learned counsel for accused/applicant also argued that the entire story of circulating the pictures/videos of the prosecutrix is totally false and has been created only to ensure that the accused/applicant remains in jail.

3. On the other hand, learned counsel for prosecutrix argues that the accused/applicant extended false promises of getting married which led to sexual relations between the accused/applicant and the prosecutrix. It is also submitted by learned counsel on behalf of prosecutrix that the accused/applicant sent nude pictures and videos of prosecutrix to her prospective groom, due to which her matrimonial alliance got cancelled.

4. Learned APP assisted by IO/SI Usha Yadav submits that prosecution objects to grant of bail. But on merits, learned prosecutor submits that he is unable to put up any strong case because of an inefficient investigation.

5. The FIR was registered on the statement dated 21.12.2024 of the prosecutrix, aged about 26 years in which she alleged as follows. She came in touch with the accused/applicant through a mutual friend and they started



chatting on Instagram. Gradually, they started meeting and their friendship turned into a relationship. For the first time, they established physical relations on 15.03.2024 at the residence of the accused/applicant, because he said that he would marry her. She left her job in May 2024 and started living with the accused/applicant at his residence where she lived with him for two months and thereafter, she shifted out. Even during the period when she was living with the accused/applicant, they established physical relations multiple times. When she would express her intention to break up, he would threaten to kill himself. On 16.11.2024, she finally broke up with him. On 27.11.2024, he waited outside her house and forced her to come along, so she accompanied him till Bangla Sahib Gurudwara, after which he threatened her and took her to his home. There, she begged him to let her go but he insisted that the next day she would get engaged to a third person, so they must make use of the last night together. Thereafter, he forcibly established physical relations with her at about 02:00am and clicked photographs. Later, he manipulated her to make voice notes pretending to have sex and telling that she loved him. Next morning, he dropped her at the metro station. On 28.11.2024, she blocked him from all social media. On 09.12.2024, he sent many pictures, screenshots and call logs to her prospective groom, which led to the cancellation of her matrimonial alliance.

6. As is evident, the prosecutrix is a grown up lady, who according to her own statement developed relations with the accused/applicant with consent and even lived with him at his residence for about two months. The



relationship between them started in March 2024 after which they had multiple sexual encounters but till 21.12.2024, she did not lodge any complaint before any authority. The stand taken by the prosecutrix is that the accused/applicant allured her into the relationship with a false promise of marriage. In normal circumstances, this could be considered as a factor vitiating consent of the lady and consequently the physical relations being punishable as rape. But here is a case where even according to the prosecutrix, it is she who opted to walk out of the relationship. As mentioned by her in her statement, she lived with the accused/applicant in his house for two months during which they had sexual relations. It is difficult to believe that across such a long span of time, a grown up lady would not realise that the man sleeping with her does not intend to get married and she continues to participate in sexual relations and also settles for some time as live-in-partner. Even after breaking up with him on 16.11.2024, the prosecutrix did not lodge any complaint for more than a month, alleging that the accused/applicant raped her multiple times under false pretext of marriage. I find substance in the submission on behalf of accused/applicant that the relations between the two of them were consensual.

7. Another vital aspect of this case is the allegation of the prosecutrix through her counsel that the accused/applicant clicked her nude photographs and videos and circulated the same, including to her prospective groom. The FIR does not clearly mention about any such nude photographs or videos, though it alleges that the accused/applicant morphed her photographs with



her voice notes as if they were having sex. But in response to a specific query, learned counsel for prosecutrix as well as the IO stated that they cannot show any such photograph or video of the prosecutrix which could be taken as obscene or objectionable. The IO specifically states that she had seen the pictures gallery in the mobile phone of the accused/applicant but did not find any objectionable picture or video of the prosecutrix or the accused/applicant, what to say of any nude photographs or videos. Further, the IO submits that she had recorded the statement of the prospective groom also but even in his mobile phone, she could not find any objectionable photographs or videos of the prosecutrix.

8. To summarize, there is an unexplained delay in lodging the complaint; the overall circumstances described above *prima facie* reflect it to be a case of consensual relations; and there is nothing on record to substantiate the allegation of the prosecutrix about her objectionable photographs having been clicked and/or morphed and/or circulated.

9. Of course, I must add a cautious rider that the above observations are only *prima facie* discussion keeping in mind the purpose here, which is to ensure that an individual is not deprived of liberty without any material. None of the above observations shall be kept in mind by the learned trial court at the stage of conclusion of the trial.

10. In view of aforesaid, this bail application is allowed and it is directed that the accused/applicant be released on bail subject to his furnishing a



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personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the learned trial court. The accused/applicant shall not contact the prosecutrix or any of the witnesses of prosecution. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JULY 31, 2025/ry