



2025:DHC:3363



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 05.05.2025*+ **CRL.M.C. 3253/2022**

MS AAA

.....Petitioner

Through: Ms. Smriti Sinha and Mr.
Harshit Pandey, Advs.

versus

STATE AND ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the
State along with WSI
Meenakshi.
Mr. Shailendra Singh, Adv. for
R-2.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioner seeks setting aside of the impugned order dated 10.02.2022 [hereafter '*impugned order*'] passed by the learned Additional Sessions Judge, South, Saket Courts, Delhi [hereafter '*Trial Court*'] in Bail Application No. 182/2022, in FIR No. 41/2020, dated 16.01.2020, registered at Police Station Neb Sarai, Delhi, for the offence punishable under Sections 376/506/509 of the Indian Penal Code, 1860 [hereafter '*IPC*'], *vide* which the accused Satender @ Aman i.e. respondent no. 2 herein had been granted regular bail.



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2. Briefly stated, the facts of the case, as per prosecution, are that in March 2017, the prosecutrix was first approached by respondent no. 2 on the matrimonial website “simplymarry.com,” where she had created a profile with the bona fide intention of finding a suitable life partner. In April 2017, respondent no. 2 had again contacted her through the same platform, introducing himself as “Aman Saini,” an unmarried officer in the Indian Air Force. Believing his representations, the prosecutrix had begun interacting and meeting with him. On 27.04.2017, respondent no. 2 had allegedly made sexual advances towards the prosecutrix, which she had resisted. However, in May 2017, on the basis of false promise of marriage, he had established sexual relations with her. It is further alleged that respondent no. 2 had repeatedly sought financial assistance from the prosecutrix and had continued exploiting her emotionally, physically, and financially. In September 2017, the prosecutrix had discovered that respondent no. 2’s real name was Satinder Kumar, that he was married, and had two children. When confronted between October 2017 and April 2018, respondent no. 2 had allegedly threatened to harm her and ruin her reputation. Due to these threats, the prosecutrix had initially refrained from reporting the matter to the police. In June 2018, she had made an oral complaint to the Air Force Headquarters, followed by a written complaint to the Air Marshal on 13.08.2018. However, no action was taken. Under pressure and coercion from respondent no. 2 and his wife, she had withdrawn the complaints, but was subsequently subjected to harassment through abusive calls and



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intimidation by respondent no. 2 and his wife. Despite filing complaints at P.S. Keshav Puram and subsequent representations by her mother to the Air Force authorities, no action was initiated against the accused. Repeated complaints to various authorities, including the DCP, Vigilance Branch and Cyber Cell, also yielded no results. Even after the matter was transferred between police stations, there was continued delay and inaction, as alleged by the prosecutrix. Ultimately, the prosecutrix lodged a complaint at P.S. Neb Sarai on 20.11.2019, which culminated in registration of the present FIR on 16.01.2020, on the basis of aforesaid allegations.

3. On 17.01.2019, the statement of the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] was recorded and her medical examination was conducted. Eventually, respondent no. 1 had filed an anticipatory bail application, which was dismissed by the learned Trial Court. Thereafter, he had approached this Court, wherein he had initially been granted interim protection, but later on, his bail application was dismissed by this Court. The SLP filed against the order of this Court, was also dismissed by the Hon'ble Supreme Court on 07.10.2021. Consequently, on 02.11.2021, the respondent no. 2 was arrested. After completion of investigation, the charge-sheet was filed in the case.

4. By way of the impugned order dated 10.02.2022, the learned Trial Court was pleased to grant regular bail to the respondent no. 2.



The relevant portion of the order is set out below:

“ Case of the prosecution as stated in the reply filed by IO is that complainant in her complaint has alleged that one person Satinder Kumar has been in contact with her through www.Simplifymarry.Com since March 2017. He told that he (Aman) was unmarried and working in Indian Air Force. They met each other and chatting continued with him. He visited at her home and met her mother for taking her permission for marriage. He did not disclose any fact that he was already married. She alleged that on 27 April 2017 he had taken her to his home 1st time and molested her there. In may 2017 he had made physical relations with her. Aftersome time, she knew that he was already married and also had children. He did not disclose this fact about him. During this times she had taken some cash and bank loan of 260000/- and paid to him as he needed for buying a flat. But after some times she filed a complaint against him. After that he returned her some money by cheques. But in July 2018, he called at her home and and told that “meri bibi meri rani se bat karvao” he also abused her

During investigation her medical examination test was got conducted at AIIMS hospital vide M.L.C No. 563/2020 she had alleged that sexual assault on pretext of marriage in 2017 by applicant. During medical examine her UPT was negative. Her counseling was also got conducted by CIC counsellor. Statement of prosecutrix u/s 164 Cr.P.C was got recorded. On 15/0112019 accused transferred to victim's account Rs.124000/- the month Of October 2018, he stated to return her money through check of Rs. 9026/-. In between he did not pay any check to the victim A. Now her total amount 63182/- is pending.

FIR of present case was registered on 16.01.2020. There is delay of more than two and a half years in registration of FIR as prosecutrix has alleged that applicant made physical relations with her on the pretext of marriage in May, 2017. Further it appears that registration of FIR and after alleged physical relations there were quarrel/abuse between the complainant and applicant and his family members. Not only this there is a dispute regarding amount between complainant and applicant.

Applicant is in JC since 2.11.21. Charge sheet in this matter has already been filed. No purpose is going to be served by



keeping applicant in custody.

Keeping in view facts and circumstances of the case, I find that applicant is entitled for bail. Application is allowed. Applicant is admitted to bail subject to furnishing personal bond in the sum of Rs. 40,000/- with one surety in the like amount to the satisfaction of Ld. 'MM/Duty MM/ Link MM.'

5. Aggrieved by the aforesaid, the present petition has been filed on behalf of the prosecutrix, seeking cancellation of the bail granted to respondent no. 2 *vide* impugned order dated 10.02.2022.

6. The learned counsel appearing on behalf of the prosecutrix argues that the impugned order is incorrect, erroneous and bad in law. It is contended that the allegations levelled by the prosecutrix are serious in nature, which have been completely ignored by the learned Trial Court, while granting bail to respondent no. 2. It is argued that the learned Trial Court has overlooked the influential position of the accused; the fact that despite repeated complaints, no action had been initially taken against the accused; and further that accused is an officer of the Indian Air Force who could have threatened the prosecutrix. It is submitted that since the present case is at the crucial stage of recording of prosecution evidence, and there is every apprehension that respondent no. 2 may influence the witnesses. It is thus prayed that the impugned order be set aside and respondent no. 2 be again sent to judicial custody.

7. The learned counsel for the respondent no. 2, on the other hand argues that the prosecutrix/petitioner has been making false allegations against the accused, solely with the motive of getting his



bail cancelled. It is further stated that since the release on bail, respondent no. 2 has neither contacted the prosecutrix nor any of her family members. It is further submitted that since the release of respondent no. 2 on bail, no other criminal case has been registered against him. It is also contended that respondent no. 2 was granted bail by way of a well-reasoned order and there is no infirmity with the same. It is thus prayed that the present petition be dismissed.

8. This Court has **heard** arguments addressed on behalf of both the parties and have perused the material placed on record.

9. The prosecutrix has assailed the impugned order and prayed for cancellation of regular bail granted to respondent no. 2 in the year 2022 by the learned Trial Court.

10. Before appreciating the rival contentions raised before this Court, it should be apposite to take note of the law on cancellation of bail. In this regard, a reference can be made to the decision of Hon'ble Supreme Court in case of *Deepak Yadav v. State of Uttar Pradesh*: (2022) 8 SCC 559 wherein it was observed as under:

“30. This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted). A two-Judge Bench of this Court in *Dolat Ram And Others Vs. State of Haryana* (1995) 1 SCC 349 laid down the grounds for cancellation of bail which are :-

- (i) interference or attempt to interfere with the due



course of administration of Justice

- (ii) evasion or attempt to evade the due course of justice
- (iii) abuse of the concession granted to the accused in any manner
- (iv) Possibility of accused absconding
- (v) Likelihood of/actual misuse of bail
- (vi) Likelihood of the accused tampering with the evidence or threatening witnesses.

31. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:-

- a) Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.
- b) Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.
- c) Where the past criminal record and conduct of the accused is completely ignored while granting bail.
- d) Where bail has been granted on untenable grounds.
- e) Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.
- f) Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.
- g) When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.

32. In *Neeru Yadav Vs. State of Uttar Pradesh And Another (2014) 16 SCC 508*, the accused was granted bail by the High Court. In an appeal against the order of the High Court, a two-Judge Bench of this Court examined the precedents on the principles that guide grant of bail and observed as under:-

“...It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment



altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail and have not been taken note of bail or it is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail...”

11. The Hon’ble Supreme Court in *Ms. X v. State of Telangana: (2018) 16 SCC 511*, had also observed as under:

“15. For the above reasons, we hold that the order of the High Court allowing the application for bail cannot be faulted. Moreover, no supervening circumstance has been made out to warrant the cancellation of the bail. There is no cogent material to indicate that the accused has been guilty of conduct which would warrant his being deprived of his liberty.”

12. A careful examination of judicial precedents reveals that bail granted to an accused may be revoked on two grounds. *First*, in case the order granting bail is patently erroneous and overlooks material facts and considers irrelevant factors while granting bail. *Second*, in case there are any supervening events which does not render it conducive to conduct a fair trial or the accused indulges in acts, post grant of bail, which warrant any interference by a court of law by way of cancelling the bail.

13. The prosecutrix has essentially challenged the impugned order on the ground that the same is erroneous and fails to take into consideration the serious and grave allegations against the accused and his influential position in the society.

14. This Court has set out the findings recorded in the impugned



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order, in paragraph 4 of this judgment. It is evident from a bare reading of the order that the learned Trial Court has taken into the consideration, the following factors: (i) that the FIR in this case was registered after a delay of about two and a half years, (ii) after registration of FIR, there were quarrel/exchange of abuse between the prosecutrix and accused and his family members, (iii) there was some dispute regarding money between the accused and prosecutrix, (iv) the accused had been in jail for more than three months, and (v) chargesheet stood already filed.

15. In this Court's opinion, the order passed by the learned Trial Court cannot be categorized as patently erroneous or whimsical. In any case, regular bail was granted to the respondent no. 2 in February, 2022 and more than three years have passed since then. It is also material to note that the testimony of the prosecutrix has also been recorded before the learned Trial Court. Further, no supervening circumstances have been shown to this Court, which could point towards any action on part of accused, or either threatening the prosecutrix or causing hindrance in the trial of the case.

16. In view thereof, this Court is not inclined to allow the present petition and cancel the regular bail granted to the accused by way of order dated 10.02.2022.

17. However, the prosecutrix/complainant will be at liberty to approach the Witness Protection Committee, or the police in case of any threat being extended to her by the accused, in accordance with



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law.

18. In view of the above, the present petition stands dismissed.

19. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 5, 2025/A