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

+ **BAIL APPLN. 3776/2025**

NAVEEN YADAV

.....Petitioner

Through: Mr. Jitender Tyagi & Mr. Gaurav
Bidhuri, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **26.09.2025**

CRL.M.A. 29411/2025(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 3776/2025

1. Having remained under incarceration since 12.08.2025 (over 1 month) in a criminal case arising out of FIR No. 341/2025 dated 12.08.2025, *inter alia*, for the alleged offence punishable under Section 69 of BNS, registered at Police Station Maurya Enclave, the applicant seeks regular bail.

2. Briefly speaking, the case set up by the prosecution/complainant as per FIR is that:-

2.1 In April 2025, the complainant came into contact with the applicant, Naveen Yadav, through the matrimonial website *Shaadi.com*. The applicant



represented himself as well-settled in Dubai, stated that he was working there after completing his studies, and assured her that he would soon be visiting India. He also told her that his family was agreeable to the marriage.

2.2 Thereafter, the applicant and the complainant remained in regular touch over phone calls and WhatsApp, during which he repeatedly promised marriage and gained her trust.

2.3 On 09.06.2025, the applicant came to meet the complainant. Instead of coming to her residence, he persuaded her to meet outside, and they went to a restaurant in Noida where they discussed marriage plans. He returned to Delhi thereafter.

2.4 On 13.06.2025, the applicant again contacted the complainant, saying that his mother and sister also wished to meet her personally before finalizing the marriage. He called her to Rohini West Metro Station and from there took her to White Saffron Hotel, Pitampura, Delhi. At the hotel, he informed her that his mother and sister would be joining them, and meanwhile asked her to stay with him in a room he had booked, assuring her of his genuine intentions.

2.5 The complainant alleged that inside the room, the applicant made physical advances. When she initially resisted, he reassured her by promising that they would soon get married and settle in Dubai. Believing him, she submitted. It is further alleged that the applicant also took objectionable photographs of her during this meeting.

2.6 Thereafter, the applicant dropped her at Rohini Metro Station and, before leaving for Dubai, again assured her that the marriage would be solemnized upon his return and that they would start their married life abroad.



2.7 However, when the complainant later pressed for marriage, the applicant and his family allegedly began placing unlawful demands, including a flat worth ₹2–3 crores in Dubai, a luxury car, and cash. The applicant also threatened that unless these conditions were fulfilled, he would not marry her.

2.8 The complainant alleged that she then realized the applicant, in conspiracy with his mother and sister, had induced her into a false promise of marriage, exploited her sexually, and raised illegal demands in the nature of dowry.

2.9 Feeling cheated and mentally harassed, the complainant approached the police. On 11.08.2025, she lodged her written complaint, on the basis of which the FIR in question was registered. The applicant was arrested on 12.08.2025.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the application as below:-

4.1 That the Applicant is innocent and has been falsely implicated in the present case. The allegations in the FIR are concocted, frivolous and far from reality. No such incident as alleged ever took place, and the FIR rests merely on a story woven by the complainant without any corroboration.

4.2 That the complainant herself, in a WhatsApp message sent to the applicant, categorically stated that no physical intimacy or inappropriate incident ever took place between them in the hotel room. The said message directly contradicts the FIR allegations and establishes the falsity of the prosecution case.



4.3 That the allegation of physical relationship on the pretext of marriage is wholly unfounded. The learned counsel places reliance on the judgment of the Hon'ble Supreme Court in *Prithvirajan v. State (2025) (SCC OnLine SC 696)*, as well as *Pramod Suryabhan Pawar v. State of Maharashtra (2019) 9 SCC 608* and *Mahesh Damu Khare v. State of Maharashtra (2024 Online SC 347)*, wherein it has been consistently held that a consensual relationship based on a genuine intent to marry, which subsequently fails due to intervening circumstances, cannot amount to rape.

4.4 That the Applicant's arrest on 12.08.2025 was sudden and without proper justification. As a consequence, he lost his employment in Dubai. His company terminated his services and reported him to the Ministry of Human Resources and Emiratization (MOHRE), leading to him being declared an absconder and rendering him ineligible to work in the UAE for three years. The learned counsel submits that the complainant's hurried lodging of the FIR has therefore caused irreparable damage to the Applicant's livelihood and reputation.

4.5 That the Applicant had earlier been granted interim bail by the learned ASJ, Rohini Courts *vide* order dated 20.08.2025, during which he expressed his willingness to marry the complainant. However, due to the unreasonable behaviour/conduct of the complainant and her family thereafter, the marriage could not be solemnized. The applicant then voluntarily surrendered and sought regular bail on merits, which was dismissed by learned ASJ, Rohini Courts *vide* order dated 16.09.2025.

4.6 That further detention of the Applicant is not required for investigation, as the charge sheet has not yet been filed and the trial is moving at a snail's pace and will take considerable time. Thus, prolonged



incarceration at this stage amounts to pre-trial punishment contrary to settled law.

4.7 That the Applicant has clean antecedents and no prior criminal record. He belongs to a respectable family, is a permanent resident of Delhi with deep roots in society and has a family to support, and thus, there is no risk of him absconding or tampering with prosecution evidence.

4.8 That the learned counsel submits that the applicant undertakes to fully cooperate with the investigation, to appear before the Ld. Trial Court on all dates, and not to misuse the concession of bail in any manner. He further undertakes not to contact or influence the complainant or any witness.

4.9 That in these circumstances, with the FIR allegations being false, material contradictions apparent on record, settled law of the Hon'ble Supreme Court supporting the Applicant's case, and his loss of employment due to wrongful implication, it would be in the interest of justice to enlarge the applicant on bail.

5. Opposing the submissions, the learned APP points out to the seriousness of the allegations and that there exists a real apprehension that, if released on bail, the applicant may abscond, threaten or intimidate the witnesses, tamper with the evidence or otherwise obstruct the course of justice. It is further submitted that the bail application of the applicant has been dismissed by the Ld. ASJ, Rohini Courts *vide* order dated 16.09.2025. It is therefore urged that the continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty, and the instant petition deserves to be dismissed, being devoid of merit.

6. Having heard, *prima facie*, I am of the view that there may be some substance in certain of the arguments addressed on merits by the learned



counsel for the applicant, but the same are a matter of trial. However, at this stage, in light thereof, and for the reasons stated hereinafter, it appears to be a case for bail.

7. At one stage, until she changes her stance, the complainant herself admitted in a WhatsApp message that no physical intimacy occurred, contradicting her own FIR. In any case, the claim of a physical relationship on the pretext of marriage based on a failed genuine intent to marry does not constitute rape.

8. It seems to be an unfortunate case where two consenting adults entered into a relationship with the initial intention of exploring the possibility of marriage. However, after getting to know each other better, one party chose not to proceed with the alliance. This legitimate exercise of choice has been misconstrued as a breach of promise. The very purpose of courtship or interaction prior to marriage is to assess mutual compatibility. To suggest that a person cannot change their mind after such interaction would defeat the essence of the concept itself.

9. With respect to the allegations of blackmail and dowry demand, even if assumed to be true, these do not attract Section 69 of BNS. They are distinct and independent offences, triable in accordance with law. In this context, learned counsel for the applicant also submits that offences under Sections 3 and 4 of the Dowry Prohibition Act are, in any case, bailable. He points out that this is not a case where any dowry was given. At most, it is an allegation of demand, which never culminated into the actual exchange of any article.

10. Be that as it may, these observations are being made solely for the purpose of this bail application, and it is for the Trial Court to adjudicate on



them at the appropriate stage. Suffice to note, that in view thereof, I am of the opinion that case for bail is made out.

11. Pertinently, the applicant's sudden arrest also caused him severe loss, including termination of his Dubai job and a three-year UAE work ban, even though he initially got interim bail during which period he expressed willingness to marry. However, the marriage proposal fell through due to irreconcilable differences. The applicant then surrendered and his regular bail plea was rejected by learned ASJ and continues to be under incarceration.

12. Further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. *bail is the rule and jail an exception*.

13. As regards the apprehension of tampering with evidence, there is nothing on record to suggest that the applicant would interfere with evidence or influence witnesses. There is also no likelihood of his absconding, given that he is a well-settled individual, and has deep roots in society and has a family.

14. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant poses no risk of absconding, his continued detention at this stage would serve no purpose.

15. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail at this stage.

16. Thus, the applicant is enlarged on bail in the FIR in hand and the proceedings arising therefrom, on his furnishing personal bond with solvent



surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned, as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

17. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case, and the trial shall proceed without being influenced either way by the same.

18. Accordingly, the bail application, along with the pending application(s), if any, stands disposed of.

ARUN MONGA, J

SEPTEMBER 26, 2025/rs/nk