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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 07.04.2026*+ **BAIL APPLN. 1228/2026**

ROHIT

.....Petitioner

Through: Mr. Nimish Chib, Advocate

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State with SI
Arpita Mishra, P.S. Vijay
Vihar, DelhiMr. Archit Upadhyay,
Advocate (DHCLSC) for the
prosecutrix**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J.****CRL.M.A. 9604/2026 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 586/2025, registered at Police Station Vijay Vihar, Delhi for the commission of offence punishable under Sections 69 of the Bharatiya Nyaya



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Sanhita, 2023 (hereafter 'BNS').

4. Briefly stated, the present FIR came to be registered on 29.10.2025 on the complaint of the prosecutrix. As per the allegations, in the year 2023, the prosecutrix was working at a restaurant in Rohini and during that period she came in contact with the present accused/applicant, who resides in Ashok Vihar and used to visit the same gym. It is alleged that during the course of their friendship, the applicant proposed marriage to the prosecutrix and, on the promise of marrying her, established physical relations with her at her residence. It is further alleged that the applicant continued to maintain physical relations with the prosecutrix on the false pretext of marriage. It is further alleged that on 20.09.2025, the prosecutrix came to know that she was pregnant as a result of the said relationship and when she informed the applicant about the same, he advised her to abort the child. Thereafter, the pregnancy was terminated with the aid of certain medicines. It is also alleged that the last sexual relationship between them took place on 24.10.2025 on the false pretext of marriage. On 25.10.2025, the prosecutrix again discovered that she was pregnant and when she insisted that the applicant marry her, he refused to do so and informed her that he was already married.

5. After registration of the FIR on 29.10.2025, the prosecutrix was medically examined at Dr. BSA Hospital, which confirmed that she was pregnant. On 30.10.2025, she underwent medical termination of pregnancy at Dr. BSA Hospital. On 02.11.2025, the products of



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conception were handed over to the police, which have been sent to FSL for examination. It is also stated that the applicant, despite service of notice under Section 84 of BNSS, 2023, has failed to join the investigation. His application seeking anticipatory bail was rejected on 19.11.2025; however, he still failed to join the investigation.

6. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and that the relationship between the applicant and the prosecutrix was consensual in nature. It is contended that there was never any false promise of marriage and that the prosecutrix had entered into the physical relationship with the applicant with her free consent, she being a major at the relevant time. It is further argued that the prosecutrix was aware of the applicant's relationship with one

and that he had children from the said relationship, and therefore there was no element of deception involved. It is also argued that the applicant is not legally married to , as alleged by the prosecutrix, and that he is only in a live-in relationship with her, from which two children have been born. The learned counsel further submits that since the accused is not married to , the promise of marriage allegedly made to the prosecutrix cannot be termed as a false promise of marriage.

7. On the other hand, the learned APP appearing for the State, assisted by the learned counsel for the prosecutrix, as well as the prosecutrix who is present in person, opposes the present application.



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It is contended that the applicant had kept the prosecutrix in the dark regarding his relationship with _____, from whom he has two children. It is argued that the prosecutrix had consented to the physical relationship under the impression that the applicant intended to marry her, which later turned out to be a false promise. It is further submitted that the conduct and intention of the applicant are also evident from the fact that he has two children from _____, which fact was never disclosed to the prosecutrix. On these grounds, it is prayed that the present bail application be dismissed.

8. This Court has **heard** arguments addressed on behalf of the applicant and the State, has gone through the case file as well as the impugned bail rejection order passed by the learned Sessions Court.

9. In the present case, this Court takes note of the fact that the applicant herein had earlier been granted interim protection during the course of hearing of his anticipatory bail application before the learned Sessions Court on 12.11.2025. At that stage, the applicant had argued that the prosecutrix herself was already married, and therefore the learned Sessions Court had directed the Investigating Officer (I.O.) to verify the factum as to whether the prosecutrix was indeed married to someone else.

10. Pursuant to the said direction, the I.O. conducted an inquiry and filed a report before the learned Sessions Court. The inquiry revealed that the applicant herein has two children from one _____ and that a marriage ceremony between him and _____ had been performed at his residence. The inquiry report



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further stated that [redacted] had repeatedly asked the applicant to register the marriage; however, the applicant had avoided doing so. The I.O. also informed the Court that [redacted] had been residing with the applicant in his house and that, although due to some dispute she is presently residing in a separate accommodation, the applicant continues to visit her.

11. The I.O. has also placed on record certain photographs showing the applicant along with [redacted] and his family members. The birth certificates of the two children born from the said relationship have also been placed on record, which mention the name of the present accused/applicant as the father. Additionally, photographs of certain ceremonies conducted at the residence of the applicant have been placed on record, wherein the family members of the applicant can be seen giving their blessings to [redacted] on the occasion of the birth of the children.

12. Therefore, the learned APP for the State has contended that the applicant herein had made a false submission before the learned Sessions Court by stating that the prosecutrix was already married to someone else, which was found false, in order to mislead the Court.

13. In view of the aforesaid material placed on record, this Court is of the opinion that the prosecutrix has levelled specific allegations that the applicant herein had induced her to enter into physical relations on the false promise of marriage, while concealing the fact that he was already in a marital relationship with [redacted] and had two children from the said relationship.



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14. The learned counsel appearing for the applicant has drawn the attention of this Court to certain WhatsApp chats and submitted that the prosecutrix was aware that the applicant was in a relationship with _____

This Court has perused the WhatsApp chats to which reference was made. Though the name of _____ is mentioned in some of the chats, to which the prosecutrix also raises objections, it is nowhere reflected from the said conversations that the prosecutrix was aware that the accused was married to _____

_____ or that he had two children from her, or that they were residing together. *On the contrary*, the investigation carried out in the present case reveals that, as noted hereinabove, _____ had been residing with the applicant. Photographs collected during the course of investigation show the family members of the applicant giving their blessings to _____ during ceremonies conducted on the occasion of the birth of the children. The birth certificates of the two children born from the relationship between the applicant and _____ have also been placed on record, which mention the name of the applicant as the father. Therefore, even from the WhatsApp chats relied upon by the applicant, it does not appear that the prosecutrix was aware of these material facts.

15. The learned counsel for the applicant has also argued that he was merely in a live-in relationship with _____ and that since he was not legally married to her, the promise of marriage allegedly made to the prosecutrix could not be termed as false. This Court does not find merit in the said contention. The facts noted in



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the preceding paragraphs, coupled with the photographs placed on record and relied upon by the learned Sessions Court, *prima facie* indicate that the applicant and _____ were living together and that the family members of the applicant had accepted the relationship, as is evident from their presence and participation in ceremonies celebrating the birth of the children.

16. Even otherwise, as rightly observed by the learned Sessions Court, the material placed on record *prima facie* indicates that the applicant herein had dishonest intention from the inception of his relationship with the prosecutrix with regard to the promise of marriage. The prosecutrix appears to have entered into the relationship with the applicant under a misconception of facts and on account of the promise of marriage extended by him.

17. This Court also notes that the applicant has not joined the investigation despite notice. The conduct of the applicant in attempting to mislead the Court, coupled with his failure to join the investigation, does not persuade this Court to exercise its discretion in favour of the applicant for grant of anticipatory bail.

18. Accordingly, the present bail application stands rejected.

19. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

20. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 07, 2026/ns/TD