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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4033/2025 & CRL.M.A. 31376/2025**
AJAY SINGH TANWARPetitioner

Through: Mr. Manoj Chouhan and Ms. Neha Singh, Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Hemant Mehla, APP for the State.

SI Loveleen, P.S. Moti Nagar, Delhi.
Mr. Rahul Sambaher, Mr. Siddharth Yadav, Mr. Ayush Kr. Singh, Ms. Kashish Aneja, Ms. Sneha Bakshjiram and Mr. Rahul Yadav, Advocates for Prosecutrix with Prosecutrix (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
07.11.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²), seeks regular bail in the proceedings arising from FIR No. 461/2025 registered under Section 376(2)(n) of the Indian Penal Code, 1860³ at P.S. Moti Nagar.
2. The abovementioned FIR was registered on the complaint of the

¹ BNSS”

² CrPC”

³ “IPC”



Prosecutrix alleging that the Applicant, Ajay Singh Tanwar, established physical relations with her between July 2023 and September 2025 on false promise of marriage, and continued to engage in physical relations with her at various places, including Jaipur, Rajasthan. The complainant underwent medical examination on 30th September, 2025 [MLC No. 4343/25], wherein she reiterated her allegations against the Applicant, however, she declined internal examination. Her statement under Section 183 BNSS was recorded before the Magistrate, wherein she reaffirmed the contents of the FIR. The investigating agency has verified certain hotel records at locations indicated by the complainant, though some hotels outside Delhi could not be identified by the complainant.

3. The accused was arrested on 30th September, 2025, and has remained in judicial custody since then. A draft chargesheet has been prepared and is presently under scrutiny by the prosecution branch.

4. Mr. Manoj Chouhan, counsel for the Applicant, submits that the relationship was consensual and founded on mutual affection and no false promise of marriage or coercion was involved. The FIR, it is urged, was lodged after an unexplained delay of over two years despite continued contact between the parties. The Applicant even approached the complainant's parents with a genuine intent to marry, though the proposal did not fructify. It is further submitted that the complainant travelled to Jaipur of her own volition, booked hotels of her choice, and that the parties even cohabited in a live-in arrangement for about a month.

5. Mr. Hemant Mehla, APP for the State, and Mr. Rahul Sambaher, counsel for the complainant, oppose the application. They submit that the allegations relate to repeated sexual assault over an extended period and are



of a grave nature. It is contended that the promise of marriage was false from inception, vitiating consent. The complainant's statement under Section 183 BNSS and MLC, record her consistent assertion of exploitation on a false pretext. The State points to hotel records verified at some locations as circumstantial corroboration of proximity and opportunity, and argues that the delay in lodging the FIR is explained by the complainant's continued hope of marriage and familial pressures, circumstances often recognised in such cases. Counsel for the complainant further submits that the Applicant's family has threatened the complainant and therefore, there is a reasonable apprehension that, if released, the Applicant may influence or pressurise the complainant or otherwise impede the proceedings.

6. The Court has considered the facts and the submissions advanced. The Investigating Officer present in court confirms that the investigation is substantially complete. The draft chargesheet is currently pending scrutiny and no further custodial interrogation is necessary.

7. As per the nominal roll, the Applicant has been in custody for 1 month and 2 days as on 31st October, 2025.

8. The prosecution alleges that the Applicant maintained sexual relations with the complainant over an extended period on a false promise of marriage. Set against this is the long admitted continuity of relationship, and multiple instances of intimacy across time and locations. The Applicant asserts a genuine intent to marry and attributes the breakdown to personal differences, including the complainant's expectation that after marriage, the Applicant shall live separately from his mother and discontinue his modelling career. On the other hand, the prosecutrix disputes these assertions and alleges exploitation over a prolonged period. Thus, the



material on record turns primarily on oral accounts. The MLC records the allegations but notes that internal examination was declined. Therefore, there is no medical or forensic corroboration presently fortifying the allegations. Whether the promise was false from inception, thereby vitiating consent, or whether the relationship later failed for other reasons, are questions of intention and surrounding circumstances that cannot be decided at this stage.

9. The object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴ Notably, the Applicant has been in judicial custody since 30th September, 2025, and the investigation stands concluded with the chargesheet already prepared. There is no further requirement for custodial interrogation. The parties were in a prolonged relationship extending over a considerable period, and the allegations as they stand do not *prima facie* disclose forcible sexual assault. The trial is likely to take time and the presence of the Applicant can be secured through appropriate conditions. Having regard to the totality of the circumstances, continued incarceration of the Applicant would not serve any useful purpose at this stage.

10. As regards the apprehensions expressed by the State regarding possible threats or interference with the victim and the trial, the same can be adequately addressed by imposing appropriate conditions upon the Applicant while granting bail.

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



11. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant or his family members shall not contact the victim or any of her family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- e. The Applicant shall appear before the Trial Court as and when directed;
- f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- g. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
- h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- i. The Applicant shall report to the concerned PS on first, second and fourth Friday of every month;



12. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

14. The bail application is allowed in the afore-mentioned terms.

15. Pending application stands disposed of.

SANJEEV NARULA, J

NOVEMBER 7, 2025

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