



2026:DHC:1898



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

*Reserved on 27.02.2026
Pronounced on 03.03.2026
Uploaded on 03.03.2026*

+ BAIL APPLN. 4593/2025

VINEET SOROUT

.....Petitioner

Through: Mr. Abhay Kumar, Mr. Shagun
Ruhil and Mr. Karan Chopra,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP.
SI Sujata and SI Sachin, PS:
Khajuri Khas.
Mr. Vishal Chaudhary, Advocate
for the prosecutrix alongwith the
prosecutrix on VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMNET

1. By way of this application, the petitioner seeks anticipatory bail in connection with FIR No. 401/2025, dated 09.10.2025, registered under Sections 376(2)(n)/506 of the Indian Penal Code, 1860 ["IPC"], lodged at Police Station Khajuri Khas, Delhi.

2. I have heard Mr. Abhay Kumar, learned counsel for the petitioner, Ms. Manjeet Arya, learned Additional Public Prosecutor, and Mr. Vishal Chaudhary, learned counsel for the prosecutrix.



3. The prosecution has also filed a status report, and the prosecutrix has filed a reply to the application.
4. The prosecution's case, as stated in the status report filed before this Court, may be summarised as follows:
 - A. The petitioner came into contact with the prosecutrix in 2021, through Instagram, as she used to run an online cosmetic and garments business, and he used to purchase goods from her. Consequently, both developed a friendship and started talking regularly.
 - B. In June 2021, the petitioner visited the prosecutrix's house, met her family members, and expressed his desire to marry her. In response to an inquiry by the prosecutrix's family, the petitioner and his sister, one Sandhya, stated that they had no demands in respect of the prospective marriage. On this assurance, the prosecutrix and her family agreed to the marriage.
 - C. On 21.05.2023, when the prosecutrix was alone at her house, the petitioner came to her house, and on the false promise of marriage, established physical relations with her. She further states that when she expressed distress, the petitioner reassured her that they will perform an engagement ceremony after consulting his sister.
 - D. The petitioner was employed in the Army, and whenever he got leave, he used to take the prosecutrix to a hotel and establish physical relations with her on the false pretext of marriage. She alleged that he used to provide different IDs at the hotel. During



- this period, the petitioner recorded explicit pictures and videos of the prosecutrix in his mobile phone, without her knowledge.
- E. Owing to the prosecutrix's repeated requests regarding marriage, the petitioner and his sister fixed a date for engagement as 01.05.2024, and the ceremony was accordingly held. They also fixed a date for the marriage on 18.11.2025.
- F. Even after the engagement, the petitioner used to take the prosecutrix to hotels and establish physical relations on the assurance of marriage. She specifically refers to an incident in March 2025, when the petitioner informed the prosecutrix about his trip to Assam upon completion of his leave, and took her to a hotel in Ballabgarh, Haryana, and again established physical relations with her.
- G. After this incident of March 2025, the petitioner stopped communicating with the prosecutrix. When she contacted him, the petitioner and his sister demanded Rs. 10,00,000/-, as dowry for solemnisation of the marriage.
- H. Later, the prosecutrix found that the petitioner had, in fact, fixed his marriage elsewhere and had already performed an engagement. When she confronted the petitioner for exploiting her on the false pretext of marriage, the petitioner threatened her with uploading her explicit photos and videos on social media and ruining her life.
- I. On 04.09.2025, the petitioner and his sister, alongwith 2-3 other people, came to meet the prosecutrix, during which the petitioner assaulted her and fled. She states that she thereafter



called the police, and an NCR No. 58/2025, dated 06.09.2025, was registered at Police Station Khajuri Khas.

- J. Based on the complaint, medical examination of the prosecutrix was conducted, and the aforesaid FIR was registered.
- K. During the investigation, the statement of the prosecutrix under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] was recorded, which corroborates her initial allegations.
- L. It is stated that the petitioner did not join investigation, despite notices being pasted at his house. Ultimately, on 24.11.2025, Non-Bailable Warrants were issued against him.
- M. On 15.11.2025, the petitioner preferred an application seeking anticipatory bail before the Sessions Court, in which the Sessions Court directed the petitioner to join investigation on 16.11.2025 at 12:00 PM, but the petitioner did not join the investigation.
- N. During investigation, the police obtained records of the hotel, where the petitioner used to take the prosecutrix. The investigation is still pending.

5. Mr. Kumar, in support of the application, submitted that the FIR clearly shows that the parties were in a relationship for a long period of about five years, during the course of which physical relations were established on several occasions between May 2023 and March 2025. During this period, the parties performed a "Roka"/engagement ceremony, showing that there was no false promise of marriage. The case, according to Mr. Kumar, is clearly one of souring of a relationship, which



does not make out the offense of rape. Mr. Kumar also drew my attention to a communication dated 22.07.2025 by the prosecutrix, addressed to the Station House Officer [“SHO”] at Police Station Khajoori Khas, and the aforesaid NCR No. 58/2025 dated 06.09.2025, registered at Police Station Khajuri Khas at the instance of the prosecutrix, in which no such allegation was made. Mr. Kumar relied upon the judgment of the Supreme Court in *Samadhan v. State of Maharashtra and Anr.*¹, to submit that the facts of the present case justify grant of anticipatory bail to the petitioner.

6. Ms. Arya and Mr. Chaudhary, on the other hand, submitted that, although the relationship between the parties lasted more than four-five years, the allegations establish that physical relations were made only upon a promise of marriage. In fact, the petitioner even performed ceremonial rites such as the “*Roka*”/engagement ceremony to deceive the prosecutrix into believing his assurances. He also repeatedly took the prosecutrix to hotels and presented different fake identification documents. It was submitted that the prosecutrix has reiterated her allegations in a statement recorded before the Magistrate’s Court under Section 183 of BNSS, which is sufficient to establish a *prima facie* case.

7. While considering an application for anticipatory bail, the Court is required to carefully balance the public interest in a fair and effective investigation, with an accused's right to personal liberty. This exercise is undertaken with reference *inter-alia* to the seriousness of the offence, and the *prima facie* material available against the accused. In this context, the offence of rape is undeniably grave and heinous, which carries a

¹ 2025 SCC OnLine SC 2528 [hereinafter, “*Samadhan*”].



maximum sentence of life imprisonment. The Court must, therefore, carefully evaluate the material on record.

8. For the purposes of the present case, which concerns an allegation of rape on the false pretext of marriage, the observations of the Supreme Court in *Samadhan*, cited by Mr. Kumar, provide valuable guidance. The Court was approached in an application for the quashing of an FIR, in which the prosecutrix had alleged rape on the false pretext of marriage. It is noted in the factual narrative, that the accused in that case had been granted anticipatory bail by the Sessions Court. While each such case must turn on an analysis of its own facts, the Court's observations and reliance upon certain earlier judgments are relevant:

“27. In this regard, it becomes relevant to refer to the decision of this Court in the case of Mahesh Damu Khare v. State of Maharashtra, (2024) 11 SCC 398, (“Mahesh Damu”) wherein the following observations were made:

“27. In our view, if a man is accused of having sexual relationship by making a false promise of marriage and if he is to be held criminally liable, any such physical relationship must be traceable directly to the false promise made and not qualified by other circumstances or consideration. A woman may have reasons to have physical relationship other than the promise of marriage made by the man, such as personal liking for the male partner without insisting upon formal marital ties.

28. Thus, in a situation where physical relationship is maintained for a prolonged period knowingly by the woman, it cannot be said with certainty that the said physical relationship was purely because of the alleged promise made by the appellant to marry her. Thus, unless it can be shown that the physical relationship was purely because of the promise of marriage, thereby having a direct nexus with the physical relationship without being influenced by any other consideration, it cannot be said that there was vitiation of consent under misconception of fact.”

(underlining by us)



28. We find that the present case is not a case where the appellant lured respondent No. 2 solely for physical pleasures and then vanished. The relationship continued for a period of three long years, which is a considerable period of time. They remained close and emotionally involved. In such cases, physical intimacy that occurred during the course of a functioning relationship cannot be retrospectively branded as instances of offence of rape merely because the relationship failed to culminate in marriage.

29. This Court has, on numerous occasions, taken note of the disquieting tendency wherein failed or broken relationships are given the colour of criminality. The offence of rape, being of the gravest kind, must be invoked only in cases where there exists genuine sexual violence, coercion, or absence of free consent. To convert every sour relationship into an offence of rape not only trivialises the seriousness of the offence but also inflicts upon the accused indelible stigma and grave injustice. Such instances transcend the realm of mere personal discord. The misuse of the criminal justice machinery in this regard is a matter of profound concern and calls for condemnation.

30. In *Prashant v. State of NCT of Delhi*, (2025) 5 SCC 764, this Court speaking through one of us (Nagarathna, J.) observed that a mere break-up of a relationship between a consenting couple cannot result in the initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marriage. The relevant portion is extracted as under:

“20. In our view, taking the allegations in the FIR and the charge-sheet as they stand, the crucial ingredients of the offence under Section 376(2)(n)IPC are absent. A review of the FIR and the complainant's statement under Section 164CrPC discloses no indication that any promise of marriage was extended at the outset of their relationship in 2017. Therefore, even if the prosecution's case is accepted at its face value, it cannot be concluded that the complainant engaged in a sexual relationship with the appellant solely on account of any assurance of marriage from the appellant. The relationship between the parties was cordial and also consensual in nature. A mere break up of a relationship between a consenting couple cannot result in initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marital relationship. Further, both parties are now married to someone else and have moved on in their respective lives. Thus, in our view, the continuation of the



prosecution in the present case would amount to a gross abuse of the process of law. Therefore, no purpose would be served by continuing the prosecution.”

(underlining by us)

31. This Court is conscious of the societal context in which, in a country such as ours, the institution of marriage holds deep social and cultural significance. It is, therefore, not uncommon for a woman to repose complete faith in her partner and to consent to physical intimacy on the assurance that such a relationship would culminate in a lawful and socially recognised marriage. In such circumstances, the promise of marriage becomes the very foundation of her consent, rendering it conditional rather than absolute. It is, thus, conceivable that such consent may stand vitiated where it is established that the promise of marriage was illusory, made in bad faith, and with no genuine intention of fulfilment, solely to exploit the woman. The law must remain sensitive to such genuine cases where trust has been breached and dignity violated, lest the protective scope of Section 376 of the IPC be reduced to a mere formality for those truly aggrieved. At the same time, the invocation of this principle must rest upon credible evidence and concrete facts, and not on unsubstantiated allegations or moral conjecture.”

The *prima facie* material available in the present case, must be viewed in the context of the aforesaid observations of the Supreme Court.

9. In the present case, the prosecutrix claims to have been acquainted with the petitioner since the year 2021. The FIR was registered on 09.10.2025, on the basis of a complaint dated 15.09.2025. While delay in registration of the FIR may not by itself be conclusive, particularly in the case of allegations of sexual offences, what is significant in the present case is that the prosecutrix had, in the *interregnum*, made a prior complaint to the police on 22.07.2025, which did not include any such allegation. The said communication, which has been translated by the petitioner, reads as follows:

“Sir,

It is requested that I, XXX, D/o XXX, reside at XXX. I love Vineet, S/o Shiv Dayal Singh. My relationship has been fixed with him. I have



known him for 6 years, but now he is refusing to marry me. And now he is demanding dowry from me. He and his family are demanding 10 lakh rupees from my family. My family cannot do that because they do not have that much money. My family even told his family that they would do what they can, but his family is still demanding 10 lakh rupees in the name of dowry and giving threats.

Sir, I request you to please solve my problem.”

The subsequent NCR dated 06.09.2025 also refers to an allegation of physical assault, but no allegation of rape, whether on the false pretext of marriage or otherwise. This allegation was made for the first time in her complaint dated 15.09.2025, upon which the FIR was registered on 09.10.2025.

10. The aforesaid communication is subsequent to the incident of March 2025, referred to in the FIR, which was allegedly the last occasion on which a sexual relationship was established between the parties. Nonetheless, no allegation of rape on the false pretext of marriage was made in the complaint. The very first statement in the communication dated 22.07.2025 reproduced above, is that the prosecutrix was in love with the petitioner. This aligns with the possibility that a physical relationship may be made without a promise of marriage, as indicated in the judgment of the Supreme Court in *Mahesh Damu Khare v. State of Maharashtra*². Similarly, the length of the relationship for a period of almost five years, during which the prosecutrix claims to have been emotionally invested in the relationship, parallels the observations of the Supreme Court in paragraph 28 of *Samadhan*, which has been reproduced hereinabove. The fact that the petitioner and the prosecutrix performed pre-marriage rituals, such as the “*Roka*”/engagement ceremony in the

² [(2024) 11 SCC 398], paragraph 27.



course of a long relationship of almost five years, and a physical relationship of almost two years, coupled with the contents of the complaint dated 22.07.2025, renders *prima facie* plausibility to the petitioner's case. While these matters are ultimately to be adjudicated at trial, having regard to the *prima facie* case, and the fact that the petitioner has no prior criminal antecedents, I am of the view that it is appropriate to protect him from deprivation of his liberty.

11. The bail application is, therefore, allowed, and it is directed that, in the event of arrest in connection with the FIR No. 401/2025, dated 09.10.2025, registered at Police Station Khajuri Khas, Delhi, the petitioner will be released on bail, subject to furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the Investigating Officer ["IO"]/SHO, and subject to the following conditions:

- A. The petitioner shall join and cooperate with the investigation as and when required by the IO;
- B. The petitioner shall furnish his mobile number to the IO and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO;
- C. The petitioner shall furnish his residential address to the IO and shall not change the same without prior intimation to the IO;
- D. The petitioner shall not, directly or indirectly, influence the prosecutrix or any witness, nor shall he tamper with the evidence in any manner whatsoever;



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- E. The petitioner shall not commit any offence during the pendency of the proceedings.
12. The bail application stands disposed of in the above terms.
13. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
14. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

MARCH 03, 2026
Bhupi/AD/