$~7

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

\# **CNR No. DLHC010389882026**

\+ BAIL APPLN. 3446/2026

SAMRAT ALIAS MANZIL THAPA .....Petitioner

Through: Mr. Shivam Batra, Mr. Bajinder Singh, Mr. Ram Singh, Mr. Mohammad Anas, Mr. Abhishek, Mr. Ibrahim, Ms. Arpita Bhardwaj, Advocates.

versus

STATE GOVT OF NCT OF DELHI AN D ANR .....Respondents

Through: Mr. Tarang Srivastav, APP for State with SI Meenakshi, PS Neb Sarai.
Ms. Inderjeet Sidhu, Advocate (DHCLSC) with Mr. Ashutosh Dutta, Advocate for Complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 13.10.2026

1. The Applicant, Samrat @ Manzil Thapa, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in FIR No. 142/2024, registered at P.S. Neb Sarai, South Delhi. The Applicant is facing trial for offences punishable under Sections 376(2)(n), 323, 506(II), 419 and 420 of the Indian Penal Code, 1860[1]. His earlier bail applications were dismissed by the Sessions Court on 18th December, 2024 and 15th July,

[1] "IPC"

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

2026.

2. The prosecution case arises from a complaint dated 30th December, 2023. The victim alleges that she became acquainted with the Applicant through Instagram in November 2022. He represented himself to be a doctor practising in Australia and subsequently proposed marriage to her. According to the victim, believing these representations, she entered into a relationship with the Applicant, and they began residing together in January 2023. During this period, the Applicant allegedly established physical relations with her on the assurance of marriage. She further alleges that he obtained approximately ₹4-5 lakhs from her on various pretexts, including difficulties with his Australian bank account. As their relationship deteriorated, the Applicant allegedly assaulted and threatened her, subjected her to forcible sexual intercourse and threatened to circulate her private photographs and videos. It is also alleged that he issued a cheque for ₹3 lakhs towards repayment of the money, which could not be encashed.

3. The Applicant disputes these allegations. His case is that the parties were adults who voluntarily entered into a live-in relationship, which subsequently broke down following disputes concerning money, marriage and their personal affairs. He contends that the relationship continued for several months and that there is no material establishing that the promise of marriage was false from its inception. Reference is also made to the financial transactions between the parties, the circumstances in which the complaint was lodged and the alleged contradictions between the statements of the landlords and the victim. The Applicant further submits that he has remained in custody since 1st April, 2024, has no criminal antecedents and that the trial is proceeding at a slow pace.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

4. The State opposes the application, emphasising the seriousness of the allegations. It is submitted that the victim has supported the allegations of sexual and physical assault in her statement under Section 164 of the Code of Criminal Procedure, 1973 and in her examination-in-chief before the Trial Court. The investigation also resulted in the recovery of two identity cards portraying the Applicant as a doctor at an Australian hospital. According to the chargesheet, semi-nude photographs of the victim were noticed during a preliminary examination of the Applicant's mobile phone, which, along with his laptop, was seized for forensic examination. The State further apprehends that the Applicant, being a resident of Nepal and having been apprehended from Goa, may evade trial or attempt to intimidate the victim if released on bail.

5. Ms. Inderjeet Sidhu, counsel appearing for the Complainant, also opposes the grant of bail. She submits that the Applicant's conduct was deceitful from the outset. He falsely projected himself as a doctor practising in Australia, supported this representation with fabricated identity documents and, on the strength of these misrepresentations and repeated assurances of marriage, induced the Complainant to enter into a physical relationship. She contends that the Applicant never intended to marry the Complainant; and it is a case of deception from the outset, rather than a genuine promise of marriage that was subsequently not fulfilled.

6. The Court has considered the submissions and examined the material placed on record. The allegations are undoubtedly serious, particularly those concerning repeated sexual assault, physical violence and intimidation. Their gravity, however, must be considered alongside the material presently available, the progress of the trial, the period of incarceration and the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

necessity of continued detention. At the stage of bail, the Court is not required to determine the truth of the competing versions or undertake a detailed assessment of the evidence.

7. In ***Pramod Suryabhan Pawar v. State of Maharashtra***[2] the Supreme Court explained that a promise of marriage which is subsequently not fulfilled is distinct from a promise made without any intention of honouring it. For consent to be vitiated by a misconception of fact arising from such a promise, the dishonest intention must exist when the promise is made, and the promise must have a direct nexus to the woman's decision to engage in sexual relations.

8. The present case, however, cannot be examined solely through the distinction between a false promise and a subsequent breach. The victim has also alleged that the Applicant subjected her to forcible intercourse during the course of their relationship, besides physically assaulting and threatening her. These are distinct allegations which require examination independently of the assurance of marriage. The alleged misrepresentation concerning the Applicant's profession and the recovery of identity cards are also relevant circumstances.

9. Equally, the material discloses that the parties were in a relationship for several months, resided together and subsequently had disputes concerning marriage, money and their personal affairs. Whether the promise of marriage was dishonest from the outset, whether the representations materially influenced the victim's consent, and whether she was subjected to sexual intercourse against her will are questions which must be determined on evidence.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

10. The chronology of reporting also merits notice. The first written complaint was made on 30th December, 2023, whereas the FIR came to be registered on 27th February, 2024. The complaint, however, also refers to incidents of assault and intimidation in November and December 2023, and the victim attributes her earlier reluctance to approach the police to threats of circulation of her private photographs and videos. The delay between the written complaint and registration of the FIR cannot, without more, be attributed to her. The significance of these circumstances, including the explanation for the delay, is a matter for trial. At this stage, neither the period of cohabitation nor the timing of the complaint permits a conclusive inference regarding the truth of the allegations or the question of consent. Any further assessment at this stage would risk prejudging matters which belong to the trial.

11. What assumes considerable significance is the period of incarceration and the progress of the proceedings. The Applicant has remained in custody since 1st April, 2024, a period exceeding two years and six months. The charges were framed on 17th April, 2025. Although the prosecution has cited 17 witnesses, the examination-in-chief of the victim, recorded in part on 23rd February, 2026, was deferred for want of the FSL report. PW-2 and PW-4 have been examined, while the evidence of PW-3 was also recorded only in part. The orders of the Trial Court reflect that the proceedings were initially delayed on account of the supplementary chargesheet and subsequently by difficulties in recording prosecution evidence and the continued absence of the FSL report. Even according to the latest status report filed by the State, the forensic examination remains pending. There is, therefore, no reasonable

---

[2] (2019) 9 SCC 608

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

indication that the trial is likely to conclude in the near future.

12. The right to a speedy trial is an important consideration even where the accusation is grave. In ***Javed Gulam Nabi Shaikh v. State of Maharashtra***[3] the Supreme Court reiterated that the seriousness of an offence does not diminish the constitutional protection under Article 21 and that pre-trial detention cannot be allowed to assume a punitive character. In the present case, the Applicant has already undergone substantial incarceration, while the examination of the principal prosecution witness remains incomplete. The record does not indicate that the substantial delay in the proceedings is attributable to the Applicant. His continued detention for an uncertain period, merely because the remaining evidence and forensic report are awaited, would be unwarranted.

13. The apprehensions expressed by the State regarding the Applicant's availability during trial and the possibility of influencing the victim cannot be disregarded. The fact that the Applicant was apprehended in Goa and has his permanent residence in Nepal are relevant considerations. At the same time, the nominal roll does not disclose any previous conviction or pending criminal case against him, and his jail conduct is reported to be satisfactory. His nationality and residence outside India warrant appropriate safeguards, but do not, by themselves, justify continued detention irrespective of the duration and likely progress of the trial. The risks identified by the State can be addressed through appropriate conditions.

14. In view of the Applicant's continued incarceration, the limited progress of the trial, the pending forensic examination and the absence of criminal antecedents, the Court is satisfied that further detention is not

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

necessary, provided adequate safeguards are imposed.

15. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail on furnishing a personal bond in the sum of ₹50,000/- with one local surety of the like amount, to the satisfaction of the Trial Court, subject to verification of the address at which he proposes to reside in Delhi and the following conditions:

(i) The Applicant shall furnish his complete residential addresses in Delhi and Nepal to the Trial Court and the Investigating Officer. He shall not change his residential address without prior intimation to both.

(ii) The Applicant shall not leave the NCT of Delhi without prior permission of the Trial Court. He shall not leave India without such permission and shall surrender his passport and other international travel documents, if any. If he does not possess any such document, an affidavit to that effect shall be filed before the Trial Court.

(iii) The Applicant shall provide his mobile number to the Investigating Officer, keep it operational and intimate any change of number in advance.

(iv) The Applicant shall report to the Investigating Officer at Police Station Neb Sarai on the first Monday of every month, until further orders of the Trial Court.

(v) The Applicant shall not contact, approach or communicate with the victim, her family members or any prosecution witness, directly or indirectly, including through electronic means or third parties. He shall not visit the victim's residence or workplace.

(vi) The Applicant shall not publish, transmit, circulate or otherwise disclose any private photograph, video or other intimate material concerning

---

[3] (2024) 9 SCC 813

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39

the victim. He shall not tamper with the evidence or attempt to influence any witness.

(vii) The Applicant shall appear before the Trial Court on every date of hearing, unless exempted, and shall not seek unnecessary adjournments.

16. Any violation of these conditions shall entitle the State or the victim to seek cancellation of bail. The Trial Court shall endeavour to complete the examination of the victim and the remaining prosecution evidence expeditiously. The State shall also take necessary steps to secure the pending FSL report at the earliest.

17. The observations made herein are confined to the consideration of bail and shall not influence the Trial Court in its assessment of the evidence or determination of the charges.

18. The application stands disposed of.

SANJEEV NARULA, J

OCTOBER 13, 2026/ab

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:39