IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 07.11.2025

\+ **BAIL APPLN. 2818/2025 & CRL.M.A. 21897/2025, CRL.M.A. 27922/2025, CRL.M.A. 27923/2025, CRL.M.A. 29870/2025, CRL.M.A. 29871/2025, CRL.M.A. 29888/2025, CRL.M.A. 29889/2025**

PJ .....Petitioner

versus

STATE GOVT. OF NCT OF DELHI AND ANR. .....Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Jitendra Kumar Jha and Mr. Bhagwan Jha, Advocates.

For the Respondents : Mr. Sunil Kumarz Gautam, APP for the State with ACP Ranbir Singh DIU/SD and SI Annu, PS Neb Sarai.

Mr. Vikas Pahwa and Mr. Madhav Khurana, Senior Advocates with Ms. Aarushi Singh, Ms. Natasha Garg, Ms. Riya Parihar, Mr. Anubhav Dubey, Mr. Jasmeet S. Chadha, Mr. Thakur Ankit Singh and Ms. Somya Dhawan, Advocates for R2

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HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present application is filed challenging the order dated 16.07.2025 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge ('**ASJ**'), Saket Courts, New Delhi in the case arising out of FIR No. 278/2025 ('**FIR**') dated 25.06.2025 registered at Police Station Neb Sarai for offences under Sections 376/506/323/34 of the Indian Penal Code, 1860 ('**IPC**'), whereby Respondent No.2 was granted pre-arrest bail.

2. Briefly stated, the FIR was registered on a complaint given by the prosecutrix/ applicant. The prosecutrix is a practicing advocate and claims to have come in contact with Respondent No. 2 who is also an advocate about 5 years ago through her friend namely Ashish. Respondent No. 2 is stated to be Ashish's uncle. It is alleged that thereafter, Respondent No. 2 procured the number of the prosecutrix and started talking to the prosecutrix. It is alleged that around that time, the prosecutrix went to Respondent No. 2's house for a party whereafter Respondent No. 2 forcibly established physical relations with the prosecutrix and thereafter apologized to her and assured to marry her stating that he was a widower. It is alleged that Respondent No. 2 continued to establish physical relations with the prosecutrix by emotionally blackmailing her. It is alleged that thereafter in May, 2025, the prosecutrix got pregnant out of the said relationship. The prosecutrix is stated to be about 27 years of age and Respondent No. 2 is stated to be about 51 years of age.

3. It is alleged that thereafter on 23.06.2025, Respondent No. 2 took the prosecutrix to Jupiter Hospital for the purpose of termination of her pregnancy. It is alleged that thereafter, a quarrel ensued between the prosecutrix and Respondent No. 2, and the prosecutrix returned to her residence post which within a span of 10-15 minutes, she received a call from Respondent No. 2 asking her to meet him at Country Club to discuss the situation. It is alleged that thereafter, in the club, the prosecutrix met co-accused Suhani Dahiya and Narain (friends of Respondent No. 2) and Respondent No. 2. It is alleged that heated arguments took place between them in the midst of which Respondent No. 2 grabbed the throat of the prosecutrix and co-accused Suhani Dahiya took away the mobile phone of the prosecutrix. It is alleged that during the course of the scuffle, Respondent No. 2 caught the prosecutrix by her hair and co-accused Suhani Dahiya threw ceramic plates at the prosecutrix as a consequence of which the prosecutrix sustained injuries. It is also alleged that co-accused Narain grabbed the prosecutrix's breast and thereafter all the accused persons ran away.

4. During the course of the investigation, the place of the incident, that is, Country Club, Sainik Farms, Neb Sarai was visited and the available CCTV footage was procured and analysed. Upon the analysis of the CCTV footage, the prosecutrix and Respondent No. 2 were seen entering and exiting the tent inside the Country Club in Neb Sarai. The prosecutrix was heard shouting in the said CCTV footage. During further investigation, the exhibits of the termination of pregnancy of the

prosecutrix were taken into possession and the same were sent for FSL examination.

5. The statement of the prosecutrix under Section 183 of the BNSS [erstwhile Section 164 of the Code of Criminal Procedure, 1973] was recorded on 03.07.2025.

6. In the meantime, Respondent No. 2 filed an application under Section 482 of the BNSS before the learned Court of Sessions, Saket Courts seeking pre-arrest bail. Respondent No. 2 was granted interim protection on certain conditions being that he would join the investigation with the IO on that day itself, that is, on 28.06.2025 and further as and when required by the IO. Respondent No. 2 was also directed not to contact with the witnesses of the case or the victim in any manner. Further, by the impugned order, Respondent No. 2 was granted pre-arrest bail by the learned ASJ. By order dated 16.07.2025, it was noted that the prosecutrix and Respondent No. 2 had come in contact in the year 2020 and were in a relationship for around 05 years. It was noted that the prosecutrix neither made any complaint nor gave any information to her family members about the first incident of sexual assault. It was noted that the prosecutrix used to visit the house of Respondent No. 2 and also worked with him as an intern. It was consequently noted that it appeared to be improbable that the prosecutrix was not aware about the marital status of Respondent No. 2. The learned ASJ further noted that no reasonable explanation was provided for the delay in recording the statement under Section 180 of

the BNSS. Consequently, considering that Respondent No. 2 is a practising advocate and had duly joined and cooperated in the investigation during the interim protection, the learned ASJ granted pre-arrest bail to Respondent No. 2 by the impugned order.

7. The order dated 16.07.2025 granting pre-arrest bail to Respondent No. 2 was then challenged before this Court. On 29.07.2025, notice was issued in the present case. It was noted that as per the submission of the learned counsel for the prosecutrix, threats were being received even after the passing of the impugned order. On that occasion, this Court noted that the prosecutrix was at liberty to file appropriate complaint to the concerned Investigating Officer who shall take a prompt action in accordance with law.

8. On the next date of hearing, that is, on 26.08.2025, this Court noted that the prosecutrix sought to rely upon certain conversations which had not been placed on record on account of the sensitivity involved in the present case. On 27.08.2025, the learned counsel for the prosecutrix handed over a pen drive containing certain conversations which, as contended, would be relevant for the purpose of the present proceedings. Considering the gravity of the allegations and the sensitivity of the case, the pen drive was directed to be kept in a sealed cover by the Registry. The conversations contained in the pen drive were heard in the Chamber.

9. Thereafter, on 29.08.2025, this Court noted that the allegations made by the prosecutrix are serious in nature, and that the conversation, at this stage, *prima facie* indicated that the persons involved in the conversation tried to influence the prosecutrix. This Court, considering that further investigation in regard to the conversation would have a bearing on the adjudication of the present case, handed over the pendrive to the Investigating Officer in Court, and directed the Investigating Officer to enquire into the said aspect. Status report was also directed to be filed.

10. On 17.09.2025, status report and three yellow envelopes were handed over in Court. The three yellow envelopes contained: a) SDR + CDR; b) Transcripts in Hindi Folder, and c) Roman Transcript Folder. Envelopes (b) and (c) contained the transcripts of the audio files found on the pendrive of the prosecutrix. On that occasion, the learned counsel for the prosecutrix submitted that certain messages had been conveyed by Respondent No. 2 after the filing of the present case which amounted to making efforts to pressurise the prosecutrix. In that regard, an updated status report was also directed to be filed. As per the same (Status Report – 2), the prosecutrix was examined in relation to the conveying of certain messages by Respondent No. 2 after the filing of the present case that amounted to making efforts to pressurise the prosecutrix. In that regard, the prosecutrix stated that on 03.08.2025 and 04.08.2025, she viewed several WhatsApp status updates uploaded by

Respondent No. 2 and that the same were intended to exert pressure on her and influence her to withdraw her complaint.

11. Subsequently on 14.10.2025, the learned counsel for the prosecutrix stated that during the pendency of the present case as well, threats were extended to the prosecutrix at the behest of Respondent No. 2 and in which regard a complaint had been given to the concerned Police Station. The State was directed to verify the said aspect and file an updated Status Report before the next date of hearing on 16.10.2025.

12. The learned counsel for the prosecutrix submitted that the impugned order granting pre-arrest bail to Respondent No. 2 is liable to be set aside. He submitted that unwarranted regard was given to the profession of Respondent No. 2 while considering his application for grant of pre-arrest bail. He submitted that the allegations against Respondent No. 2 are serious in nature and involve establishing forceful sexual relationship with the prosecutrix for the past many years.

13. He submitted that Respondent No. 2 maintains cordial relationships with certain Judicial Officers and that they have, prior to and even post the registration of the FIR, attempted to contact and influence the prosecutrix. He submitted that the prosecutrix was contacted by the learned Judicial Officer – 1 after the registration of FIR who advised the prosecutrix not to go for her medical examination. He submitted that the learned Judicial Officer – 1 on 27.06.2025 had offered monetary settlement to the prosecutrix to induce her to

compromise the matter with Respondent No. 2 and had also informed her that he had kept a sum of ₹30 lakhs to be paid to the prosecutrix. He submitted that the learned Judicial Officer – 1 also coerced the prosecutrix to dilute the case in her statement under Section 183 of the BNSS and told her that Respondent No. 2 will compensate her further if she dilutes the case. He submitted that several calls were thereafter exchanged between them which indicates that the prosecutrix was constantly being influenced.

14. He submitted that even though the prosecutrix refused to settle the matter with Respondent No. 2, the learned Judicial Officer – 1 and his personal staff kept calling the prosecutrix and pressurised her to not oppose the pre-arrest bail application of Respondent No. 2. He submitted that the personal staff of the learned Judicial Officer – 1 constantly called the prosecutrix and informed her that the learned Judicial Officer – 1 had already talked with Respondent No. 2 and that the matter would be settled.

15. He submitted that the learned Judicial Officer - 2 also called the prosecutrix and coerced her to retract her allegations against Respondent No. 2 and falsely state in her statement under Section 183 of the BNSS that the FIR was lodged by mistake. He submitted that the said learned Judicial Officer – 2 also asked the prosecutrix to not oppose during the pre-arrest bail hearing of Respondent No. 2 listed for 28.06.2025 whereby Respondent No. 2 was granted interim protection.

16. He submitted that the prosecutrix and her family members continuously got calls from Respondent No. 2 through the phone of his friend namely Khalil. He submitted that the CDRs of Respondent No. 2 and his friend Khalil reflects that several attempts were made to contact the prosecutrix. He submitted that Respondent No.2 had made attempts to indirectly contact the prosecutrix and one '*Baba*', who was a priest and known to the parties, had also contacted the prosecutrix and asked her to come to his Ashram.

17. He submitted that the prosecutrix was under immense pressure and was not feeling well as a consequence of which she could not appear in Court on 28.06.2025 when the pre-arrest bail application of Respondent No. 2 was listed and on which date Respondent No. 2 was granted interim protection. He submitted that on the said date itself when Respondent No.2 was granted interim protection, he immediately contacted the prosecutrix through the phone of his friend Khalil and threatened her. He submitted that a transcript of the said call has been appended to the present case.

18. He submitted that the Investigating Officer in his reply to the pre-arrest bail application of Respondent No. 2 had specifically stated that she had not verified the call recording of the threat given to the prosecutrix after interim protection was granted to Respondent No. 2, despite which, Respondent No. 2 was granted pre-arrest bail.

19. He submitted that post the filing of the present case, certain messages have been conveyed by the accused which amounts to making efforts to pressurise the prosecutrix. He submitted that Respondent No. 2, during the pendency of the present case, uploaded certain WhatsApp status which was visible only to the prosecutrix thereby threatening and abusing her which clearly reflects Respondent No. 2's attempt to intimidate the prosecutrix.

20. The learned Senior counsel for Respondent No. 2 submitted that the impugned order is well reasoned and warrants no interference by this Court. He submitted that from a perusal of the FIR, it is borne out that the allegations levelled against Respondent No. 2 are vague and generic in nature and fails to even list down the dates on which the alleged offences were committed. He submitted that the FIR, in any event, was lodged with an unexplained delay inasmuch as the first alleged incident took place way back in the year 2020 and the FIR was registered much later on 25.06.2025.

21. He submitted that the parties, if at all, were involved in a prolonged and consensual relationship and the prosecutrix has failed to disclose the said fact in her complaint. He submitted that the entire reason why the prosecutrix has sought cancellation of the pre-arrest bail granted to Respondent No. 2 is that she claims that certain persons associated to Respondent No. 2 have been trying to threaten her. He submitted that it is the prosecutrix's case that she was constantly contacted and influenced by two learned Judicial Officers who

contacted her and asked her to hold her complaint and also pressurised her into giving her statement under Section 183 of the BNSS. He submitted that it is conspicuous from the record and the chats relied upon by the prosecutrix herself that it was in fact the prosecutrix who was constantly trying to connect with the concerned Judicial Officers.

22. He submitted that the FIR was registered on 25.06.2025, however, the statement of the prosecutrix under Section 183 of the BNSS was recorded much later on 03.07.2025. He submitted that a perusal of the annexures appended by the prosecutrix herself reveal that during the period between 25.06.2025 – 03.07.2025, the prosecutrix fervently made attempts to contact the learned Judicial Officer and made more than 27 calls to him.

23. He submitted that the transcript of the conversation between the prosecutrix and persons namely Abhay Pratap Singh and Khalil only bolster the case of Respondent No. 2 that the parties were in a consensual relationship and the complaint was given solely for the reason of extorting money from Respondent No. 2. He submitted that the prosecutrix had demanded a sum of ₹50 lakhs and as per her conversation with Abhay Pratap Singh, the prosecutrix herself admitted to have received a sum of ₹30 lakhs and that the complaint was filed since she was demanding a further sum of ₹20 lakhs.

24. He submitted that the prosecutrix has cherrypicked materials and produced the same before this Court stripping the same of its relevant

context. He submitted that if the prosecutrix's version were to be accepted that she was being pursued and threatened, there is no explanation why such an assertion was not made by her in her statement under Section 183 of the BNSS.

25. He submitted that the prosecutrix, post the registration of the FIR, also attempted to malign the reputation of Respondent No. 2 by creating a public scene outside the residence of Respondent No. 2. A copy of CCTV footage has also been placed on record to assert the same.

26. He submitted that insofar as the WhatsApp status as appended by the prosecutrix to contend that Respondent No. 2 was extending threats to her on WhatsApp is concerned, it cannot be said at this stage that the said statuses were uploaded by Respondent No. 2 himself as the documents only show the name of the contact as saved by the prosecutrix and not the phone number from which the said statuses were uploaded. He submitted that the same, at this stage, cannot be considered as conclusive and would require further investigation.

27. He submitted that bail once granted ought not to be cancelled in a mechanical manner without considering any supervening circumstances that warrant the cancellation of bail. He submitted that cancellation of pre-arrest bail is an extraordinary remedy and the same calls for very cogent and overwhelming material of misuse of liberty which is lacking in the present case.

ANALYSIS

28. Before delving into the merits of the case, this Court considers it apposite to discuss the law in relation to cancellation of bail and setting aside of an order granting bail. While the former of the two is hinged upon conduct of the accused pursuant to arrest or surfacing of any adverse fact after grant of bail, the latter revolves around such infirmity in the order granting bail that renders the same unjust and unsustainable in law [Ref. ***Abdul Basit v. Mohd. Abdul Kadir Chaudhary*** **: (2014) 10 SCC 754**]. In the present case, the prosecutrix has raised a challenge on both counts during the course of arguments. The Hon'ble Apex Court in ***Mahipal vs. Rajesh Kumar @ Polia and Anr*** **: (2020) 2 SCC 118** has observed as under :

> *"14.* ***The provision for an accused to be released on bail touches upon the liberty of an individual. It is for this reason that this Court does not ordinarily interfere with an order of the High Court granting bail.*** *However, where the discretion of the High Court to grant bail has been exercised without the due application of mind or in contravention of the directions of this Court, such an order granting bail is liable to be set aside. The Court is required to factor, amongst other things, a prima facie view that the accused had committed the offence, the nature and gravity of the offence and the likelihood of the accused obstructing the proceedings of the trial in any manner or evading the course of justice.* ***The provision for being released on bail draws an appropriate balance between public interest in the administration of justice and the protection of individual liberty pending adjudication of the case.*** *However, the grant of bail is to be secured within the bounds of the law and in compliance with the conditions laid down by this Court. It is for this reason that a court must balance numerous factors that guide the exercise of the discretionary power to grant bail on a case-by-case basis. Inherent in this determination is whether, on an analysis of the record, it appears that there is a prima facie or reasonable cause to believe that the accused had*

committed the crime. It is not relevant at this stage for the court to examine in detail the evidence on record to come to a conclusive finding.

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16. The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of the discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. ***On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted****…"*

(emphasis supplied)

29. In the case of ***Deepak Yadav v. State of U.P.* : (2022) 8 SCC 559**, the Hon'ble Apex Court had observed that an order granting bail ought not to be disturbed by a superior court unless there are strong reasons to do so. Adverting to a catena of judgments, the Hon'ble Apex Court had summarised circumstances where bail can be cancelled even in absence of supervening circumstances. The relevant portion of the judgment is reproduced hereunder:

*"**C. Cancellation of bail***

***31.** This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted).*

32. *A two-Judge Bench of this Court in* ***Dolat Ram v. State of Haryana [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237]*** *laid down the grounds for cancellation of bail which are:*

(i) ***interference or attempt to interfere with the due course of administration of justice****;*

(ii) evasion or attempt to evade the due course of justice;

(iii) abuse of the concession granted to the accused in any manner;

(iv) possibility of the accused absconding;

(v) likelihood of/actual misuse of bail;

(vi) likelihood of the accused tampering with the evidence or threatening witnesses.

33. *It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:*

33.1. *Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.*

33.2. *Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.*

33.3. *Where the past criminal record and conduct of the accused is completely ignored while granting bail.*

33.4. *Where bail has been granted on untenable grounds.*

33.5. *Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.*

33.6. *Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.*

33.7. *When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case."*

(emphasis supplied)

30. In the case of ***Himanshu Sharma v. State of Madhya Pradesh* : 2024 INSC 139**, the Hon'ble Apex Court had emphasized that the bail granted to an accused may be cancelled on account of flouting of bail conditions as well as for misuse of liberty. The relevant portion of the judgment is as under:

> *"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a)* ***the accused has misused the liberty granted to him****; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud….."*
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> (emphasis supplied)

31. The prosecutrix has sought setting aside of the impugned order on the ground that the same is unsustainable in law. It is argued that the learned Trial Court gave undue deference to the profession of Respondent No.2 and granted bail even though Respondent No.2 kept contacting the prosecutrix. Furthermore, the prosecutrix has also challenged the bail granted to Respondent No. 2 on account of certain attempts at influencing her after the grant of bail.

32. Insofar as the cogency of the observations in the impugned order are concerned, a bare perusal of the same reflects that the learned Trial Court has duly applied its mind and aptly appreciated the facts of the

case as well as the law in relation to rape on the pretext of false promise of marriage.

33. The learned Trial Court was rightly weighed by the *prima facie* prolonged relationship between the parties for five years and relied upon certain judgments, including ***Mahesh Damu Khare v. State of Maharashtra & Anr.* : 2024 SSC OnLine SC 3471** where the Hon'ble Apex Court had held that the duration of the relationship (nine years in that case) had rendered the plea of consent on the basis of misconception of fact as implausible and diluted the criminal liability on account of no protest being registered by the victim over the years. The learned Trial Court also took note of the bank account statements adduced by Respondent No.2 to evidence that he regularly transferred money to the prosecutrix and observed that the IO had conceded that there is no pattern to the transactions to support the contention of the prosecutrix in relation to the transactions pertaining to internship renumeration. It was further observed that it appears to be improbable that the prosecutrix was unaware of the marital status of Respondent No.2 as she had been in contact with him for five years and she also used to frequent his house for the purpose of her internship. It was also noted that no obscene content was found on the phone of Respondent No.2 as had been alleged by the prosecutrix. It was also noted that the prosecutrix's statement under Section 180 of the BNSS had been recorded after ten days of registration of FIR and no reasonable explanation was provided for the same.

34. Whether the consent of the prosecutrix was vitiated by misconception of fact arising out of promise to marry would be a matter of trial, however, in the opinion of this Court, the aforesaid factors canvas a *prima facie* case in favour of Respondent No.2.

35. The learned Trial Court had assuaged itself that Respondent No.2 was not a flight risk as he had deep roots in society and had taken note of Respondent No.2's profession as a lawyer only in this respect. Having already taken note of the extensive observations made by the learned Trial Court on the crucial aspects of the case, it is apparent that the learned Trial Court did not exercise its discretion in favour of Respondent No.2 only on account of the said parameter.

36. The learned Trial Court had also duly considered the argument of the prosecutrix that she had been contacted by Respondent No.2 after being granted interim protection. From the impugned order it appears that the IO had informed the learned Trial Court that no call recording was apparently given to evidence the said allegation, and on examination, it had been found that a common friend had called the prosecutrix to mediate the matter. It was noted that admittedly, Respondent No.2 had not called the prosecutrix directly.

37. At that stage, in the absence of any recording, the learned Trial Court proceeded to grant pre-arrest bail to Respondent No.2 by dealing with the apprehension of Respondent No.2 contacting the prosecutrix on the basis of the undertaking of the counsel appearing for the accused

that the accused shall not contact the prosecutrix. Out of an abundance of caution, the learned Trial Court also imposed a condition upon Respondent No.2 to not contact the prosecutrix or her family members directly or indirectly as well.

38. From the above, it does not appear that the learned Trial Court arbitrarily exercised its discretion and granted bail to Respondent No. 2 in the present case. However, the prosecutrix has also made overarching allegations in relation to certain attempts having been made to influence her. It is the case of the prosecutrix that Respondent No.2 had misused the feature of posting WhatsApp status updates for specific individuals by posting some updates that were only visible to the prosecutrix, with the intention of exerting pressure upon her and to influence her to withdraw the present case filed by the prosecutrix seeking cancellation of bail. Certain allegations in relation to attempts at influencing the prosecutrix through mutual acquaintances have also been made. The most glaring allegation of all is in regard to two Judicial Officers having attempted to influence the prosecutrix to dilute the case at the behest of Respondent No.2.

38.1. *Firstly*, as far as the WhatsApp status updates are concerned, as per the prosecutrix, the statuses were selectively visible to only her and not accessible through other phones. It is pertinent to note that the screenshots do not reflect the mobile number of Respondent No.2 and the same appear to have been posted by “Adv Randhir Lal” and “R*pist Randhir”. Although it is argued that the screenshots don’t reflect

Respondent No.2's number since his number was saved on the prosecutrix's phone, however, at this juncture, when it cannot be ascertained as to whether the concerned updates were posted by Respondent No.2, a mere allegation in this regard is insufficient to impede the bail granted to Respondent No.2.

38.2. *Secondly*, it is argued that attempts were made by certain mutual acquaintances to influence the victim as well. While the impugned order records that no recordings were given to IO, the prosecutrix has now placed on record certain transcripts along with the recordings. A bare perusal of the recordings indicate that Respondent No.2 had contacted the prosecutrix indirectly through one Khalil, who had stated at the very outset that he would not speak on one of the calls. In the other calls, Khalil appears to be making attempts to get the parties to resolve the matter. The calls are between Khalil and the prosecutrix, however, the conversation was primarily between the prosecutrix and Respondent No.2.

Insofar as the conversation with one 'Baba' is concerned, although the said individual is asking the prosecutrix if she goes to Respondent No.2 and making passing references asking the prosecutrix to visit his Ashram in Vrindavan, the conversation seems to be inane and does not appear to carry any threat *per se*.

38.3. *Thirdly*, it is alleged that even two judicial officers have sought to pressurise the prosecutrix in diluting her case. It is pointed out that

the prosecutrix had interned with both the said judges and was acquainted with them. Before delving into the same, this Court considers it apposite to mention that it is conscious that considering the individuals involved, it is required to proceed with caution. This Court also considers it apposite to note that it was appalled to take notice of the involvement of judicial officers in a case of such nature.

Although the allegations are a matter of further investigation, they indicate a flagrant lack of respect towards the criminal machinery. A bare perusal of the Status Report as well as the transcript of the call with Judicial Officer–1 *prima facie* indicates towards attempt on part of Respondent No.2 to influence the prosecutrix to dilute her case in exchange of a cash consideration. While this Court does not consider it apposite to explicitly list all the incriminating portions of the conversation, however, *ex facie*, specific assertions of ₹30 lakhs in cash being kept for being paid to the prosecutrix are repeatedly made during the course of the conversation. The Judicial Officer–1 also offers job to the prosecutrix.

The two conversations with Judicial Officer–2 are brief and the same primarily involve the prosecutrix elaborating about the incidents. The Judicial Officer–2 also mentions that he is acquainted with both parties and asks as to how he can help. While the conversations will be subject to further enquiry, *prima facie*, unlike the conversation with Judicial Officer–1, the conversations with Judicial Officer–2 do not appear to reflect any explicit attempt at influencing the prosecutrix by way of

monetary considerations or otherwise and appears to be a mere conversation a person would have with an acquaintance.

39. As noted above, there is nothing wrong in the impugned order, however, this Court cannot be a mute spectator to the evidence in the nature of audio recordings which indicate that a sum of ₹30 lakhs were attempted to be paid to the prosecutrix.

40. It is argued on behalf of Respondent No.2 that the prosecutrix made attempts at extorting money and called influential individuals to instigate them to get involved in the dispute and she also exchanged multiple calls with the officers before and after the registration of FIR as well. It is argued that the record and chats relied upon by the prosecutrix reflect that the prosecutrix was herself fervently trying to contact the judicial officers, especially Judicial Officer–1. Furthermore, much emphasis has been laid on transcript of call dated 30.06.2025 between the prosecutrix and Abhay Singh Pratap (acquaintance of the parties) to contend that the prosecutrix had given the complaint to extort money from Respondent No.2. It is argued that the conversation with Abhay Singh Pratap reflects that the prosecutrix had acknowledged receiving a sum of ₹30 lakhs and she was demanding a further sum of ₹20 lakhs. An audio recording of the call has been placed on record by Respondent No.2. Respondent No. 2 has further placed reliance on the transcript of a conversation between the prosecutrix and Khalil, wherein the prosecutrix is allegedly admitting to having removed the currency notes received by her and Khalil is asking her to not stretch the case

after receiving the amount. In the said call, Khalil is also asking the prosecutrix to not be greedy. In his reply, Respondent No.2 has also placed on record a video recording of the aforesaid WhatsApp call between the prosecutrix and Khalil. A copy of CCTV footage has also been placed on record to assert that the prosecutrix was trying to malign Respondent No.2 in his neighbourhood.

41. The last Status Report filed by the State mentions that it was found that the conversation between Khalil and the prosecutrix was recorded by Khalil using the mobile of one Md. Akeel Khan, who has stated that Khalil had taken his phone during the relevant time. The concerned phone was taken in possession. The conversation between the prosecutrix and Abhay Pratap Singh was apparently recorded by Respondent No.2 through his mobile as the conversation had taken place when Abhay Pratap Singh had visited the office of Respondent No.2. The recording is supported by a certificate under Section 63 (4) (c) of the Bharatiya Sakshya Adhiniyam, 2023 given by Respondent No.2. The CDRs and IPDRs of the mobile numbers through which Abhay Pratap Singh contacted the prosecutrix are to be collected, and the same could not be done due to Abhay Pratap Singh being busy. Insofar as the CCTV footage indicating attempts at maligning the image of Respondent No.2 is concerned, it was found that the same only shows a woman in yellow dress and the face of the prosecutrix is not visible in the same.

42. Although the allegations in relation to extortion require further investigation, it cannot be denied that the material relied upon by Respondent No.2 *prima facie* indicates that the prosecutrix received some amount and made certain demands as well. At the same time, peculiarly, no material has been placed on record to show such threats of extortion being extended to Respondent No.2. Whether the prosecutrix was being pressured into settling the matter which led her to taking monetary consideration for diluting the case, or if the case was instituted with the sole intent of extortion cannot be determined at this juncture.

43. Before proceeding further, this Court is constrained to note with significant dismay that the record of the present matter has been inundated with a number of transcripts and recordings to show that the other side has been making attempts to subvert the judicial process and twist law to their whims. As noted above, there appears to be some merit in the material placed on record by both sides. This Court is thus met with an uncanny conundrum where it appears that both the parties have made an absolute mockery of justice.

44. However, insofar as the question of cancellation of bail is concerned, even if it is assumed that the prosecutrix made attempts to extort money, Respondent No.2 cannot be absolved as a bare perusal of the transcripts as well as Status Reports *prima facie* indicate that he has made an egregious affront to the principles of justice by attempting to pay the prosecutrix *through a judicial officer*, who will concededly have

authoritative influence, instead of making a complaint in this regard. Furthermore, this Court also cannot excuse the clear attempts made by Respondent No. 2 to skirt the direction of not contacting the prosecutrix after grant of interim protection by contacting her through Khalil.

45. One of the main tenets to cancel bail is interference with the process of law. The circumstances brought forth in the present proceedings are so overwhelming that they have shocked the conscience of this Court and the same reflect that there is apparent interference with the administration of justice, which warrants interference with the liberty granted to Respondent No.2.

46. As noted above, the learned Trial Court cannot be faulted for granting pre-arrest bail to Respondent No.2 as the allegations which led to registration of the FIR entitle him to such a relief on account of a multitude of factors, including the duration of the relationship between the parties as well as the improbability of the prosecutrix being ignorant of the marital status of Respondent No.2. However, at the same time, the unbridled attempts made by Respondent No.2 to interfere with the administration of justice have to be dealt with strict hands. The allegations in the present case are not of such nature which can be shirked casually.

47. Grant of bail is conditional and individual liberty has to bow in the face of societal impact and any supervening circumstances which are non-conducive to fair trial [Ref. ***Vipan Kumar Dhir v. State of***

***Punjab*: (2021) 15 SCC 518**]. Liberty of bail ought to be withdrawn from the accused in event of attempts being made to subvert the trial or sway the witnesses. Recently, in the case of ***Phireram v. State of U.P.*: 2025 SCC OnLine SC 1915**, the Hon'ble Apex Court emphasised on the aforesaid aspects while discussing the principles governing cancellation of bail. The relevant portion of the judgment is as under:

> *"**57. The governing principle is that if the accused tampers with evidence, threatens witnesses, or attempts to subvert the trial, the indulgence of bail is to be withdrawn**. It is a recognition that liberty is conditional, not absolute, and subject always to the larger interest of ensuring a fair trial…*
>
> ***58.** At the same time, emphasis has to be laid that cancellation of bail occupies a distinct space in the criminal justice machinery. Cancellation intervenes at the stage of violation, to prevent recurrence. In **State through Delhi Administration v. Sanjay Gandhi, (1978) 2 SCC 411**, this Court underscored that **tampering with witnesses constitutes a cogent ground for cancellation, for the "opportunity of being on bail cannot be permitted to be abused for the purpose of thwarting the course of justice."** Similarly, in **Raghubir Singh v. State of Bihar, (1986) 4 SCC 481**, **it was reiterated that intimidation of witnesses is sufficient to revoke the liberty granted. It must be guided by the lodestar of preventing interference with witnesses that "strikes at the root of the rule of law."***
>
> ***59.** Thus, the considerations that must weigh with the court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that might have occurred after granting relief to the accused, **the conduct of the accused while on bail**, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, **any attempt on the part of the accused to tamper with the evidence in any manner** etc."*
>
> (emphasis supplied)

48. Moreover, it is pointed out that although charge sheet has been filed, further investigation in the present case is underway. As the trial has not yet started, considering the influential status of Respondent No.2 as well as his conduct and the serious issues raised in the present case in regard to attempts being made by several persons to influence the prosecutrix at the behest of Respondent No.2, there is a grave possibility of Respondent No.2 further attempting to influence witnesses or tampering with evidence if he is allowed to go scot free. Thus, appropriate order is required to be passed so as to deter such conduct.

49. Considering the aforesaid discussion, this Court is of the opinion that the present is a fit case to set aside the impugned order and cancel the pre-arrest bail granted to Respondent No.2. However, as Respondent No.2 has remained on bail for over three months, this Court considers it apposite to grant a period of one week to Respondent No.2 to surrender before the learned Trial Court.

50. An administrative enquiry into the conduct of the concerned judicial officers, who were in contact with the prosecutrix, is also warranted, and it is directed that appropriate action in accordance with law be taken in this regard.

51. The present case is allowed in the aforesaid terms. Pending applications also stand disposed of.

52. It is made clear that the observations made in the present order are only made for the purpose of deciding the present case and the same shall not be taken as opinion on the merits of the case or affect the trial in any manner.

AMIT MAHAJAN, J

NOVEMBER 7, 2025
DU/ssh/sam