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

% ***Date of Decision : 07.10.2026***

\# **CNR No.DLHC010375662026**

\+ **BAIL APPLN. 3313/2026**

KUNDAN KUMAR .....Petitioner

Through: Mr. Jitendra Kumar Singh, Mr. Keshav Ranjan, Advs.

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Hemant Mehla (APP) along with Mr. Naved, Mr. Mayank Chaudhary, Advs.
Mr. Parth Chaturvedi, Ms. Jyoti Yadav, Advs. for Complainant
Insp. Sangeeta Malik (P.S. Bindapur)

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

1. The applicant herein seeks regular bail under Section 483 of the BNSS in FIR No. 0254/2026 registered at P.S. Binda pur on 07.05.2026 under Section 69 and 115(2) of the BNS. The allegations concern sexual intercourse on due promise of marriage, allegedly made without the intention to fulfil it and voluntarily causing hurt. It is submitted that the applicant was arrested on 23.05.2026 and the charge sheet (dated 02.06.2026) was filed on 10.06.2026.

2. The earlier bail applications of the applicant were rejected by the Trial Court. The complainant and the applicant are aged 32 years and 34 years respectively. They became acquainted professionally in December, 2024.

3. The complainant alleges that the applicant promised to marry her and relying upon that promise she entered into a sexual relationship with him.

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She refers to encounters in Delhi and Varanasi. The applicant disputes that he deceived the complainant by making a promise of marriage without intending to fulfil it. He relies upon their interactions and also a Settlement Agreement dated 19.08.2025.

4. The complainant, however, submits that the aforesaid agreement was signed under pressure. The question at this stage is whether the continued detention of the complainant is justified pending trial. The applicant relies upon the order of the Supreme Court dated 25.09.2026 passed in SLP (Crl.) No. 12596/2026, wherein it was observed as follows:-

> **Leave granted.**
>
> **The appellant seeks regular bail in connection with FIR No.103/2026, dated 04.03.2026, registered with Police Station Sitalkuchi District – Cooch Behar, West Bengal for the offences punishable under Sections 3(5), 329(4), 351(3) and 64 of the Bharatiya Nyaya Sanhita, 2023.**
>
> **We have heard the learned counsel appearing for the parties. The respondent No.2/complainant has been served.**
>
> ***Prima facie,* it seems to us that the present case is one of a relationship turning sour. The appellant has been under incarceration for a period of seven months approximately. It is**

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submitted that the charge sheet has been filed in the present case.

Considering the aforesaid circumstances, we are inclined to set aside the impugned order and grant bail to the appellant.

Accordingly, the impugned order passed by the High Court stands set aside and the appellant is granted bail on such terms and conditions subject to the satisfaction of the concerned Trial Court.

The appeal stands allowed, accordingly.

Pending application(s), if any, shall stand disposed of.

5. The applicant further relies on the judgment passed by a Coordinate Bench of this Court in ***Shane Haider vs State of NCT of Delhi Through SHO PS Pahar Ganj,*** (Neutral Citation No. 2024 DHC 1115), wherein the Court has observed as follows:-

> *"22. That apart, the factum that whether it is a case of 'false promise' or 'breach of promise' on part of the petitioner does not require any custodial interrogation as it is a matter to be decided at the stage of trial. Further, it is also not the case of the prosecution that the petitioner has any criminal record. On the contrary, the petitioner is stated to have recently graduated from the Delhi University and sending him to jail will affect his career which is yet to begin. No threat perception has been alleged by the State.*
>
> *23. In any case, appropriate conditions can be imposed to ensure the availability of the petitioner to face the trial and to prevent him from influencing the witnesses in any manner."*

6. Reference is also made to ***Sumit Versus State Nct Of Delhi*** wherein

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this Court granted anticipatory bail to the applicant therein by *inter-alia* placing reliance on ***Shane Haider*** (supra). The relevant observations in the said judgments are as under:-

> *"21. This Court in Shane Haider vs. State of NCT of Delhi, Bail Application 466/2024 (Neutral Citation No.2024 DHC 1115), has taken a view that whether it is a case of false promise or breach of promise on the part of the petitioner does not require any custodial interrogation as it is a matter to be decided at the stage of trial.*
>
> *22. Petitioner is a 20 years old youth with no prior criminal antecedents. The status report does not indicate that his custodial interrogation is necessary. It is not the case of the prosecution that he is a flight-risk. In any case, appropriate conditions can be imposed to ensure his availability during the trial and prevent him from influencing the witnesses in any manner."*

7. Apart from the observations in the aforesaid judgments, the fact that the investigation is complete and the absence of previous criminal antecedents are concrete circumstances in favour of the petitioner.

8. Considering the circumstances, the applicant is granted regular bail on furnishing a personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the Trial Court. The same shall be subject to the following conditions:-

i. The applicant shall attend every hearing unless specifically exempted by the Trial Court.

ii. The applicant/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;

iii. The applicant/accused shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;

iv. The applicant/accused shall intimate the Investigating Officer

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(IO) and file an affidavit before the Trial Court regarding any change in his residential address;

v. The applicant/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

vi. The applicant/accused shall report to the IO as and when called for by the IO.

vii. The applicant/accused shall not directly or indirectly contact the complainant, any prosecution witness, and their family members;

viii. The applicant/accused 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;

ix. The applicant/accused shall appear before the Trial Court on each and every date of hearing;

x. The applicant/accused shall not indulge in any criminal activity during the period of bail; and

xi. The applicant/accused shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and

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completion of the necessary formalities.

9. The petition is accordingly disposed of. It is made clear that this order shall not be construed as an expression of the opinion of this Court on the merits of the controversy.

SACHIN DATTA, J

OCTOBER 7, 2026/*uk*

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