



2025:DHC:4730



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.05.2025

+ **BAIL APPLN. 1672/2025 & CRL.M.(BAIL) 939/2025**

SANOJ KUMAR MISHRA

.....Petitioner

Through: Mr. Amit Chadha, Senior Advocate with Mr. Hirein Sharma, Mr. Aamir Chaudhary, Mr. Hayas Singh, Mr. Sarthak Sethi and Ms. Sakshi Yadav, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with SHO Ashish Singh Dalal and SI Shruti Dubey, PS Nabi Karim. Complainant/Prosecutrix in person.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. It is 04:30pm. Traditionally, after a Full Court Reference, courts are not held. But keeping in mind the issue of liberty of the accused/applicant, I have opted to hold court after conclusion of the Full Court Reference on the occasion of superannuation of HMJ Dharmesh Sharma. This hearing is being done with kind consent of both sides.
2. In terms with last order, affidavit of the complainant *de facto* has

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been submitted across the board by the learned APP and the same is accepted, to be scanned and made part of judicial record.

3. The accused/applicant, suffering incarceration since 30.03.2025 seeks regular bail in case FIR No.174/2025 of PS Nabi Karim for offences under Section 376/354C/313/323/506 IPC. I have heard learned counsel for accused/applicant as well as learned prosecutor assisted by SHO Inspector Ashish Singh Dalal and IO/SI Shruti Dubey. The complainant *de facto* also has personally appeared and has opted to be represented by the learned prosecutor only.

4. Earlier, by way of Oral Judgment dated 28.03.2025, in case titled ***Sanoj Kumar Mishra vs The State, Government of NCT of Delhi***, 2025:DHC:2121, anticipatory bail application of the accused/applicant was dismissed, observing that according to the FIR and the investigation, the accused/applicant, working as a film director allegedly committed repeated acts of sexual exploitation, blackmailing and rape against the complainant *de facto*, after administrating her some intoxicant; and that the complainant *de facto*, a small town girl aspired to be a film heroine. The said dismissal of anticipatory bail application was not challenged by the accused/applicant. Later, the accused/applicant was arrested. The accused/applicant filed regular bail application before the Court of Sessions, which was dismissed. Hence, the present bail application.

5. It is submitted on behalf of the accused/applicant that he is innocent

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and has been falsely implicated by the complainant *de facto* in order to compel him to give her a break in film industry. Learned counsel for accused/applicant contended that the accused/applicant and the prosecutrix were in live-in relationship for past long time, that too in Mumbai and on the other hand, according to the prosecution the offence took place in Orcha, Madhya Pradesh, so Delhi had no jurisdiction.

6. On 01.05.2025, the learned prosecutor after accepting notice sought time to investigate whether the affidavit filed by the complainant *de facto* earlier before the Court of Sessions was a voluntary affidavit or the same was obtained under pressure from someone and also submitted that if the affidavit is found to be voluntary, action would be taken against the complainant *de facto* for having lodged a false complaint.

7. Thereafter, the prosecution side filed status report dated 23.05.2025, specifically stating that the complainant *de facto* was examined by the IO after which her statement under Section 180 BNSS was recorded. In the said statement dated 21.05.2025, which has been shown to me in the investigation file, the complainant *de facto* has narrated at length that she had filed false complaint against the accused/applicant.

8. In her said statement dated 21.05.2025, the complainant *de facto* stated that the accused/applicant never committed rape or any other offence against her; and that her relations with the accused/applicant were consensual for past five years. The complainant *de facto* further alleged in



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her said statement that she lodged false complaint on being provoked by few other persons. In the said statement, the complainant *de facto* also disclosed names of few other contemporaries/rivals of the accused/applicant, who made her lodge a false complaint. In this regard, the complainant *de facto* also handed over to the IO an audio-video recording.

9. It is in the above backdrop that the complainant *de facto* has now filed her affidavit today. In her said affidavit, the complainant *de facto* testified that she was living in relationship with the accused/applicant and had established physical relations with him with consent and lodged the complaint under influence of some rivals of the accused/applicant. In the affidavit, the complainant *de facto* has also testified that she has no objection if the accused/applicant is released on bail.

10. Considering the above circumstances, I find no reason to deprive liberty to the accused/applicant any further. Therefore, the application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court or the area Magistrate or the Duty Magistrate.

11. This is yet another case, reflecting the recent trend of lodging false complaints of sexual offences. Every false complaint of sexual offences not just causes immense damage to the person accused of the offence, but also creates cynicism and distrust across the society, which leads to even the



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genuine victims of sexual offences suffer, as society starts suspecting her truthful complaint also to be false. Such false complaints have to be dealt with sternly.

12. The SHO Nabi Karim submits that he has already initiated process for registration of FIR against the complainant *de facto* and all those persons who conspired to make her lodge false complaint against the accused/applicant. The SHO Nabi Karim also submits that they intend to file supplementary chargesheet in this case on the above mentioned developments.

13. Copy of this order be sent to the concerned DCP to ensure that appropriate action in accordance with law is taken. Pending application stands disposed of.

14. Copy of this order be also sent to the Superintendent of the Jail concerned forthwith for being brought to the notice of the accused/applicant.

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(JUDGE)

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