

(2025) 10 DEL CK 1326

In the Delhi High Court

Case No : Bail Application No. 3163 Of 2025

Vivek DeepVs State-Govt. Of Nct Of Delhi & Anr.

Date of Decision : 13-10-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35, 183, 528
Code of Criminal Procedure, 1973 — Section 340, 482
Bharatiya Nyaya Sanhita, 2023 — Section 77, 87, 308(2), 324(1), 351
Indian Penal Code, 1860 — Section 182, 193, 194, 195, 195A, 199, 200, 211, 328, 354A, 354C, 366, 376, 377, 384, 425, 503, 506

Citation : (2025) 10 DEL CK 1326

Hon'ble Judges : Neena Bansal Krishna, J

Bench : Single Bench

Advocate : Riju Tyagi, Vijay Kinger, Ashwani Gehlot, Roopa Nagpal, Dr. Varnit Sharma, Hemant Kumar, Utkarsh, Samarth Krishan Luthra, Neeraj Mishra, Manoviraj Singh, Nikhil Bhardwaj

Final Decision : Dismissed

Judgement

Neena Bansal Krishna, J

1. First Bail Application has been filed by the Applicant/Vivek Deep under Section 482 of the Code of Criminal Procedure, 1973 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS") to seek Anticipatory Bail, in FIR No. 530/2025 registered at PS Shahbad Dairy, Delhi under Sections 77, 87, 324(1), 351 and 308(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS") [corresponding to Section 354C, 366, 425, 503, 384 of the Indian Penal Code (IPC), 1860].

2. The Applicant had moved an Anticipatory Bail Application before the Ld. ASJ which was dismissed vide Order dated 13.08.2025. The Applicant also filed an Application for Transit Bail before the Ld. Sessions Court, Sonipat Haryana which was also dismissed vide Order dated 04.08.2025.

3. The case of the Prosecution is that a Complaint was received from the Complainant "M" in Police Station Shahbad Dairy against the Applicant/Vivek

Deep. The Complainant asserted that the Applicant has over the past several months, engaged in a persistent and disturbing pattern of behaviour causing immense physical, mental and reputational harm to her, and her daughter. The Applicant has wilfully misused social media platforms such as Facebook, WhatsApp, YouTube and True Caller to fabricate, manipulate and widely circulate obscene, defamatory, and vulgar content using the name of the daughter of the Complainant, photographs and contact details. The contents have been published without their consent and with the clear intention of damaging the character of the Complainant.

4. The Applicant has made unsolicited, threatening and vulgar calls and sent messages at odd hours on her mobile number. These communications included lewd remarks, sexual insinuations and explicit threats to defame, harm, and coerce her daughter and herself, unless she complied with his unlawful and immoral demands. The Applicant has repeatedly demonstrated detailed knowledge of her daily routine and her daughter's activities, including where they have been and at what time.

5. On 02.05.2024, the Applicant forcibly went to the Complainant's residence, vandalized the entrance gate, and damaged their scooter. On 16.05.2024 at around 10:00 PM, the Applicant arrived at their home with others, banged aggressively on their door, damaged boundary property and attempted forceful entry with clear preparation for assault and intimidation, thereby endangering their family.

6. The Applicant has issued repeated threats that unless she complies with his demands, both monetary and immoral; he will continue to destroy her and will prevent her from appearing in her examinations. It is stated that the Complainant's daughter never had any dispute with the Applicant. The Applicant visited her house and broke the glasses of her windows and door and damaged her scooty.

7. Further, it was stated that she received repeated calls from his mobile number, and even after blocking him, he continues to use different numbers to contact her, making illegal and immoral demands, seeking sexual favours from her along with her daughter.

8. On 25.07.2025, the Applicant uploaded a video on Facebook and visited her home with a Danda, when she was not present at home. Her neighbour informed her that the Applicant came to her house with Danda, and he was using abusive language in regard to the Complainant and her daughter. She called PCR, but he ran away and left the area. Later, at night he threatened her on mobile phone.

9. The Applicant compelled the Complainant to make physical relations with him. The recording and video clips are available with her and are available on YouTube ID @vivek27287 and Facebook ID Vivek Deep.

10. On the Complaint, the present FIR No. 530/2025 dated 26.07.2025 under

Sections 77/87/324(I)/351 BNS, Police Station, Shahbad Dairy was registered and investigation taken up by W/SI Sangeeta, PS SB Dairy.

11. The Applicant has sought Bail on the grounds that the present FIR No.530/2025 is motivated to falsely implicate him. The Complainant has lodged the present FIR in collusion with police officials, to pressurise the Applicant for settling the Applications under Section 340 Cr.P.C. against the Complainant pending before the Ld. Sessions Court and Ld. Addl. Principal Judge, Family Court, Sonipat, for the offences committed by the Complainant during the proceedings under Section 193, 194, 195, 199, 200 and 211 IPC. The present FIR is a counterblast to these ongoing judicial proceedings between the Applicant and the Complainant.

12. It is further submitted that the Complainant herself is habitual of filing false Complaints against her husband and also the Applicant herein.

13. One FIR No. 309/2022 dated 09.10.2022 under Sections 328, 354A, 376, 377, 506 IPC, in Police Station Bahalgarh, was filed by the Complainant before the registration of the present FIR. The Applicant was granted Anticipatory Bail by the P&H High Court, noting that the Complainant, being a married and educated woman, could not be misled on a false promise of marriage. The IO filed a Cancellation Report, which the Complainant did not oppose and consequently, she is being prosecuted under Section 182 IPC and is currently on Bail.

14. It is further submitted that the Complainant has lodged false FIRs for rape, against her husband as well as the Applicant. It is submitted that the husband of the Complainant has been acquitted vide Order dated 22.08.2024 passed by the Ld. Court of ASJ, Sonipat, wherein it was found that the Complainant lodged the said FIR against her husband to settle matrimonial disputes. No Appeal against the said Order was preferred by the Complainant.

15. The Complainant thereafter, threatened the Applicant at the Faridabad Court Complex, and the Applicant made a written Complaint to the Commissioner, Faridabad. Subsequently, the Complainant gave a false Complaint of rape against the Applicant to SHO Baghpat, UP in revenge. A detailed investigation was conducted by CO, Baghpat and it was found that all the allegations levelled by the Complainant against the Applicant were false and fabricated. The Report was submitted before the Ld. Court of CJM, Baghpat and the Applicant was acquitted vide Order dated 13.07.2022.

16. The Complainant again moved a false Complaint against the Applicant on 09.10.2022 before the CM (Women), Haryana regarding the rape allegations with the intention to pressurise and harass the Applicant, on which FIR No. 309/2022 was registered against the Applicant. The same was cancelled by Ld. JMIC.

17. Further, on 20.04.2024, the Applicant while travelling on his scooty to Rithala Metro Station, saw the Complainant in a newly-married dress sitting behind a

man. He followed them up to Sector-9, Rohini and questioned the man with the Complainant about their relationship. In response, the man aged about 50 to 52 years, told the Applicant that the Complainant got married to him on 05.04.2024 according to Hindu Rites and Rituals. The Applicant had told him that the Complainant is the legally wedded wife of another person. The Complainant and her new husband, quarrelled with the Applicant and warned him not to tell anybody about their marriage, otherwise to be ready to face dire consequences.

18. The Applicant moved a written Complaint of the said incident to SHO of Prashant Vihar, Delhi but in collusion with SHO Prashant Vihar, Delhi only a DD was registered by the concerned I.O. and no FIR was registered against the Complainant.

19. It is submitted that the present FIR has been lodged by the Complainant only to settle the court matters.

20. The police officials in collusion with the Complainant did not give any Notice under Section 35 BNSS to the Applicant, physically. The concerned I.O. on 09.07.2025, issued a Notice under Section 35 of BNSS on the WhatsApp number of the Applicant and threatened him to present himself for the interrogation on 10.07.2025. However, due to unavailability on 10.07.2025, the Applicant went to P.S. Sabha Dairy along with all the documents and courts Orders in his support and reply. However, the concerned I.O. refused to show the complaint to the Applicant and to accept the documents as evidence. Thereafter, the Applicant in presence of his counsel, gave a written Reply of one page to the concerned I.O. and assured him that he would cooperate with him in the investigation as no FIR was registered till that day.

21. Thereafter, on 15.07.2025 the Applicant filed a Complaint under Section 195-A IPC before the Ld. Court of Add. Principal Judge, Family Court, Sonipat stating that the Complainant is pressurizing him by filing false and fabricated complaint in P.S. Sabha Dairy and the said matter is currently pending.

22. On morning of 05.08.2025 at around 08:00 AM, three men in civil uniform portraying themselves as police officials, and one constable in Delhi Police Uniform came to arrest the Applicant in a private White Colour Breza Car having dark black film all over glass of the said car, in front of his 65 years old mother and wife Ravisha.

23. Being a law student, the Applicant questioned the police officials about the Notice under Section 35 BNSS and requested them to prepare an Arrest Memo in front of him, before arresting the Applicant. However, the said police officials were only having the copy of said FIR. He was further informed that none out of the three police officials, was the concerned I.O. in the said FIR and they did not have any Notice or arrest memo with them. They threatened the Applicant that he would face dire consequences, if he did not cooperate with them in his illegal arrest/detention. Further, they tried to pull the Applicant outside the home, to put him in the car. However, after talking to SHO and DCP Rohini over the mobile

phone, they left the Applicant and ran away from his house. The Applicant has lodged the Complaint on 05.08.2025 with the police officials and other authorities regarding the same incident.

24. He has further submitted that the Ld. Trial Court has failed to appreciate that the Applicant and daughter of the Complainant are studying in same law college and the daughter of the Complainant has not made any allegation/complaint against the Applicant. The Complainant is hatching a conspiracy against the Applicant and has made false allegations against him.

25. It is submitted that the police officials are threatening the Applicant to implicate him falsely in the present case. They have visited his house numerous times to arrest him, however the Applicant has no concern with the alleged offences mentioned in the said FIR. Further, the Ld. Trial Court has failed to appreciate that the Applicant has clean antecedents and no criminal history except being falsely implicated by the Complainant in multiple cases which have been either quashed or cancelled.

26. The Applicant has undertaken to join the investigation and co-operate as and when required by the State.

27. Further, the Applicant is a law student and is on the verge of completing his degree and his arrest at this stage, would cause irreparable loss to his career and reputation. He undertakes that he will abide by the directions imposed by the Hon'ble Court and will not misuse the concession of the Bail. It is submitted that the trial is likely to take a long time and no useful purpose will be served by keeping him in custody.

28. Thus, a prayer is made for grant of Bail.

29. A Status Report was filed by Respondent No. 1/State wherein the facts of the present case have been detailed.

30. It is stated that after the statement of Complainant was recorded under Section 183 BNSS before the Ld. JMFC. Thereafter, the provision under Section 308(2) BNS [corresponding to Section 384 IPC] was added in the present FIR. The search of the accused was conducted in Delhi and Haryana, but the Applicant has not been traced. He is deliberately avoiding his presence and not joining the investigations.

31. It is further stated that the Notice under Section 35(3) BNSS was served on Krishana, mother of the Accused. The Applicant was continuously posting on Social Media against the Complainant and Police. He further sent threats by sending voice messages on the I.O.'s mobile phone regularly, on the pretext of being an advocate.

32. Further, it is stated that the Accused had filed a transit Anticipatory Bail before the District and Session Judge, Sonapat, Haryana, which has already been dismissed vide Order dated 04.08.2025. An Anticipatory Bail Application was also

filed before the Ld. District and Session Judge which was also dismissed.

33. It is submitted that the custodial interrogation of the Applicant is required. The investigation of the case is in its initial stage. Thus, the Anticipatory Bail Application is opposed.

34. A Reply to the Anticipatory Bail Application has been filed on behalf of the Complainant/ Respondent No. 2 wherein she has submitted that the Applicant has deliberately committed assault and caused injuries to the Complainant. If the Anticipatory Bail is granted, the Applicant will misuse the liberty and is likely to influence and intimidate the complainant and her daughter and other Prosecution Witnesses.

35. It is submitted that it is settled law that acquittal does not automatically mean that the Prosecution was false or malicious. The Complainant exercised her legal right to lodge FIRs against her husband and the Applicant and the same are being dealt with by the courts of competent jurisdiction. All the Complaints lodged by the Complainant were made bona fide in view of the continuous harassment, threats and misconduct of the Applicant.

36. The Complainant has further submitted that merely because the Hon'ble Punjab & Haryana High Court granted Anticipatory Bail to the Applicant, does not absolve him of the allegations, nor does it render the FIR false. The Cancellation Report filed by the I.O. in the said proceedings was due to technical grounds and non-cooperation of witnesses.

37. The Complainant has never misused the legal process and has only sought to avail remedies as a victim, available under law. It is submitted that she did not oppose the Cancellation Report to avoid a situation where complainant and her daughter could be socially defamed. However, even thereafter, the accused continued to threaten, mentally harass, and attempt to socially defame the complainant and her daughter. This clearly demonstrates that the acts of the accused were continuous and premeditated.

38. It is submitted that the Acquittal Order dated 13.07.2022 does not absolve the Applicant from his continuous acts of harassment, intimidation and defamation of the Complainant and her daughter.

39. It is further submitted that the Applicant continues to call and message the Complainant's daughter on her mobile number and even posts wrong and shameful language with the photographs of her daughter. He has openly threatened the Complainant and her daughter by SMS through messages and late-night calls even after lodging of the present FIR.

40. It is further submitted that the Applicant has continued to threaten her by using filthy and derogatory language by calling on her mobile number at odd times.

41. It is submitted that the gravity of the offenses committed by the Applicant,

ranging from inducing women to compel her marriage, continued criminal intimidation and extortion, underscores his unworthiness for bail. The deliberate and heinous nature of his actions has inflicted irreparable harm on the complainant, and his release on Bail would pose further threat to the Complainant.

42. The Complainant has placed reliance on X vs. State of Rajasthan, SLP (Crl.) No. 13378 of 2024 wherein it has been stated that Bail should not be granted ordinarily in serious offences.

43. She has further placed reliance on Om Prakash vs. State of U.P., (2006) 9 SCC 787, wherein the Apex Court observed that the Courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the Prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case.

44. Thus, the Bail Application is liable to be dismissed.

Submissions heard and record perused.

45. The Applicant had filed Applications under Section 340 Cr.P.C. and 195A IPC against the Complainant, which are pending before the Ld. Sessions Courts of Sonipat. Further, the Application before Ld. Add. Principal Judge, Family Court, Sonipat for the offence committed by the Complainant under Sections 193, 194, 195, 199, 200, 211 IPC is also pending. It is asserted that the likelihood of the present FIR to be a counterblast to the aforesaid proceedings, cannot be ruled out. Further, the Complainant has filed FIR against her husband and the Applicant in many Police Stations.

46. Thus, evidently there is a long-standing history of personal enmity and multiple litigations between the Complainant and the Applicant herein.

47. It is trite law that the grant of Bail must depend on the facts and circumstances of each case, applied with caution, especially in serious offences where premature protection can hamper investigation or enable evidence tampering.

48. In the present case, although the Applicant has been previously acquitted in similar Complaints filed by the Complainant, but it is pertinent to take a note of the conduct of the Applicant. The previous Acquittals do not create an automatic entitlement to Bail in the present proceedings, which involve distinct allegations and a continuing course of conduct. The allegations in the present are not merely of a single isolated incident but reveal troublesome conduct of the Applicant spanning over several months, involving physical intimidation and digital harassment.

49. The Applicant has continued to call and message the daughter of the Complainant and threatened the Complainant and her daughter through SMS and late-night calls, even after the present FIR was lodged. He has been using

obscene and derogatory language against the Complainant and has been calling her on her mobile number, at odd times. Even otherwise, it is noted that he has visited the house of the Complainant on more than one occasion, breaking the windows and vandalising her scooter. Moreover, he has also threatened the I.O. by sending him voice messages regularly.

50. Further, the Applicant has been posting photographs of the Complainant on social media platforms including Facebook and YouTube, using inappropriate language. Moreover, the Applicant has not even spared the judicial officer as well as the investigating agency, in his social media posts.

51. Such conduct of the Applicant makes it unlikely that he would not misuse the Anticipatory Bail to continue harassing the Complainant and her daughter.

52. The nature of the offences under Sections 77, 87, 324(1), 351 and 308(2) BNS are serious in nature.

53. The Supreme Court in the case of Srikant Upadhyay vs. State of Bihar, 2024 SCC OnLine SC 282, reiterated that the power to grant Anticipatory Bail is an extraordinary power. The Court held that though in many cases, it was held that the Bail is said to be a rule, it cannot, by any stretch of imagination, be said that Anticipatory Bail is the rule. It has been observed that it cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case.

54. Thus, the seriousness of the accusations, the possibility of the Applicant influencing or threatening the Complainant, his conduct throughout the proceedings, weigh heavily against the grant of Anticipatory Bail. This Court finds no ground to exercise its discretion in favour of the Applicant.

55. The Anticipatory Bail Application is accordingly, dismissed. The observations made herein are not an expression on the merits of the case.

56. The Bail Application is disposed of, along with pending Application(s), if any.