

29.07.2026

IN CAMERA PROCEEDINGS

Present : Sh. Parvesh Sisodia, Ld. Substitute Addl. PP for State.
Accused is present through VC alongwith Ld. Counsels Sh. Abhimanyu Kumar and Sh. Yash Saxena who are present in person.
Ms. Barkha Chhabra, Legal Services Advocate for the prosecutrix from DLSA (Central) through VC.

Matter is listed today for orders on the application moved on behalf of the prosecutrix under Sections 91 & 173(8) BNSS and on the point of charge (Section 251 BNSS).

ORDER

- (I) On the application moved on behalf of the prosecutrix under Sections 91 & 173(8) BNSS; and
(II) On the point of charge (Section 251 BNSS)

PART I

APPLICATION MOVED ON BEHALF OF THE PROSECUTRIX

1. By way of the present application dated 28.07.2026, moved on behalf of the prosecutrix Under Sections 91 & 173(8) BNSS, the following prayers have been made: (i) that the SHO, PS Burari be directed to immediately preserve and seize the CCTV footage/DVR/hard disk of PS Burari for the period from 11.05.2025 (5:30 PM) to 12.05.2025 (1:30 AM) and produce the same in a sealed cover along with a certificate under Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023; (ii) that the SHO, PS Burari be directed to call for and file the Nodal Officer reports/CDRs in respect of the location and calls of the

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complainant, the accused, his father, his sister and the Investigating Officer for the period 11.05.2025 (5:00 PM) to 12.05.2025 (2:00 AM); (iii) that further investigation in the present case be directed under "Section 173(8) BNSS" through an officer not below the rank of Inspector from the Crime Branch/office of the DCP, North District; and (iv) that the IO be directed to file a status report along with the General Diary entries of PS Burari for the aforesaid period.

2. At the outset, it is noticed that Sections 91 and 173(8) are provisions of the erstwhile Code of Criminal Procedure, 1973, and find no place in the Bharatiya Nagarik Suraksha Sanhita, 2023, under which the present proceedings are being conducted. The corresponding provisions of the BNSS are Section 94 (summons to produce a document or other thing) and Section 193(9) (further investigation). Since nomenclature cannot defeat substance, this Court has treated the application as one under Sections 94 and 193(9) BNSS and has considered it on its merits accordingly.
3. The case set up in the application, in brief, is that the prosecutrix first approached PS Burari at about 5:30/6:00 PM on 11.05.2025 to lodge her complaint against the accused, but the FIR was not registered and she was asked to come after two days; that during her stay at the police station, the IO telephonically called the accused and his family members, who reached the police station at about 8:30 PM and, along with the IO, pressurised her not to file any complaint; that in the meanwhile, a "false and fabricated" counter-complaint alleging extortion and blackmailing was got registered by the accused and his family against the prosecutrix and her family on 11.05.2025 at 20:20 hrs; that the present FIR came to be registered only at 01:10 hrs on 12.05.2025 after she returned to the police station at about 1:00 AM; that the CCTV footage of PS Burari for the intervening period is the "most crucial and primary evidence" to establish the aforesaid sequence of events and the alleged bias of the police officials, and there is an apprehension of it being tampered with or overwritten; that the IO collected CDRs/location details of the prosecutrix, the accused and his family members



from the Nodal Officers of the service providers but has deliberately not filed the same with the charge-sheet; that the IO did not collect the admit card relating to the accused's claimed examination at Shimla; and that the charge-sheet having been filed without collecting this material, further investigation is warranted in the interest of justice.

4. Ld. counsel for the prosecutrix has argued in support of the application on the grounds set out therein, namely, that the CCTV footage is relevant and necessary evidence to prove the sequence of events and the misconduct of the police officials; that its non-preservation would cause irreparable prejudice to the prosecutrix; that the non-filing of the Nodal Officer reports/CDRs likewise causes prejudice; that the IO has failed to conduct a fair and impartial investigation; and that this Court has ample power to direct production of documents and further investigation.
5. Per contra, Ld. counsel for the accused has vehemently opposed the application. It is submitted that the application is baseless and bereft of any substance or reason; that it has been moved after the investigation is complete on the very date fixed for arguments/orders on charge, with the sole object of dragging and protracting the proceedings; that no basis whatsoever has been disclosed for seeking the CCTV footage of the police station after a lapse of more than one year from the events of 11/12.05.2025; and that the material sought has no bearing whatsoever on the ingredients of the offences with which the accused stands charge-sheeted.
6. Ld. Addl. PP for the State has submitted that the investigation in the present case stands concluded, and the charge-sheet has been filed upon completion thereof, and that no request for further investigation has been made by the Investigating Agency.
7. This Court has given its thoughtful consideration to the rival submissions and has perused the application as well as the record. Certain dates are determinative



and may be recapitulated. The events which form the entire subject matter of the application- the alleged first visit of the prosecutrix to PS Burari at 5:30 PM on 11.05.2025, the alleged telephone calls by the IO, the alleged pressure exerted at the police station, the registration of the counter-complaint at 20:20 hrs, and the registration of the present FIR at 01:10 hrs on 12.05.2025 were all within the personal knowledge of the prosecutrix on 11/12.05.2025 itself, being events in which she herself claims to have participated. The charge-sheet was filed and the case was committed to this Court on 04.11.2025. The prosecutrix has been duly represented before this Court, through the Ld. Legal Services Advocate from DLSA (Central) as also through private counsel, and has participated in the proceedings throughout, including the bail proceedings and the proceedings on charge. The soft copy of the charge-sheet was directed to be supplied to her counsel vide order dated 09.07.2026 and stands supplied. Arguments on the point of charge were heard on 26.02.2026 and stood concluded on 28.07.2026. It is only on 28.07.2026, i.e., the date on which the matter reached the terminal stage of orders on charge, that the present application came to be moved, more than fourteen months after the events to which it relates. No explanation, much less a plausible one, is forthcoming in the application for this inordinate and unexplained delay.

8. The stage of the proceedings is equally material. It is settled law that at the stage of framing of charge, the Court has ordinarily to confine itself to the material produced with the charge-sheet, and the power under Section 94 BNSS (corresponding to Section 91 CrPC) to summon documents is not to be exercised at that stage as a matter of course. In *State of Orissa v. Debendra Nath Padhi*, (2005) 1 SCC 568, the Hon'ble Supreme Court held that at the stage of charge, the Court is to consider the record of the case and the documents submitted therewith. The limited exception carved out in *Nitya Dharmananda @ K. Lenin v. Sri Gopal Sheelum Reddy*, (2018) 2 SCC 93, is that where the Court is itself satisfied that material of sterling quality, having a crucial bearing on the issue of



framing of charge, has been withheld by the investigator/prosecutor, the Court is not debarred from summoning the same; the Hon'ble Supreme Court, however, made it clear that this does not confer any right on a party to invoke such power dehors the satisfaction of the Court, and that the power is not to be exercised for a fishing or roving inquiry.

9. Tested on this anvil, the material sought by the applicant does not, even prima facie, satisfy the requirement of having any bearing much less a crucial bearing on the issue of framing of charge. The offence under Section 69 BNS with which the accused stands charge-sheeted concerns the events of February to April 2025: the alleged promise of marriage, its alleged falsity at inception, and the alleged inducement of the prosecutrix's consent to physical relations. The offence under Section 209 BNS concerns the alleged non-appearance of the accused in answer to a proclamation issued in August 2025. The CCTV footage of the police station of 11/12.05.2025, the General Diary entries of that night, and the CDRs of the parties for the evening of 11.05.2025 relate exclusively to the circumstances in which the FIR came to be registered and to the alleged conduct of the police officials on that night. Even taking the averments in the application at their highest i.e., assuming that the footage would show the prosecutrix present at the police station from 5:30 PM onwards and the family of the accused arriving thereafter such material would not tend to establish or negate any ingredient of the offence under Section 69 BNS or Section 209 BNS. The sequence of events at the police station on the night of registration of the FIR is not an ingredient of either offence. The application, in truth and substance, is directed at the alleged misconduct of the police officials of PS Burari, which, howsoever serious if true, is a grievance to be pursued before the appropriate departmental or other forum in accordance with law and cannot be a ground to summon material irrelevant to the charge or to defer the orders on charge.
10. The prayer for further investigation fares no better. Under Section 193(9) BNSS (corresponding to Section 173(8) CrPC), further investigation is, in the first



instance, the prerogative of the Investigating Agency upon obtaining further evidence; the Investigating Agency has made no such request in the present case. It is true that in *Vinubhai Haribhai Malaviya v. State of Gujarat*, (2019) 17 SCC 1, the Hon'ble Supreme Court held that the power of the Court to direct further investigation subsists till the stage of framing of charge; however, it is equally well settled, as held in *Vinay Tyagi v. Irshad Ali @ Deepak*, (2013) 5 SCC 762, that "further investigation" is a continuation of the earlier investigation directed at the discovery of fresh evidence having a bearing on the case, that the power is to be exercised sparingly, in exceptional circumstances and to achieve the ends of justice, and not as a matter of routine or to enable a dissatisfied party to reopen a concluded investigation. The application does not point to any fresh material bearing on the ingredients of the offences under Sections 69/209 BNS which remains to be unearthed; what it seeks, in substance, is a roving inquiry into the conduct of the police officials on the night of 11/12.05.2025 and the collection of material to buttress allegations of police bias, an exercise foreign to the scope of Section 193(9) BNSS. Notably, the alleged non-registration of the FIR on the first visit and the alleged partisan conduct of the IO could not have improved or completed the evidence on the ingredients of the offence itself, which rests on the events of February-April 2025 and on the statements of the prosecutrix already on record.

11. The prayer that further investigation be conducted "through an honest officer not below the rank of Inspector from the Crime Branch/DCP North District" is, in any event, beyond the remit of this Court. It is settled that neither the complainant nor the accused has any right to choose the agency or the officer by whom the investigation is to be conducted, and the power to entrust investigation to a specialised or different agency may be exercised only in exceptional circumstances and even then, vests only in the constitutional Courts. *Divine Retreat Centre v. State of Kerala*, (2008) 3 SCC 542; *Sakiri Vasu v. State of U.P.*, (2008) 2 SCC 409).



12. As regards the averment that the IO collected CDRs/Nodal Officer reports but withheld them from the charge-sheet, the averment is wholly bald and unsupported; nothing has been placed before this Court to show that any such material was in fact collected. Even otherwise, the CDRs sought, pertain to the evening of 11.05.2025 and the alleged telephonic calls relating to the events at the police station, and, for the reasons already recorded, have no bearing on the issue of charge. Similarly, the non-collection of the admit card pertaining to the accused claimed examination at Shimla relates, at best, to a circumstance of the defence version and does not constitute material of sterling quality bearing on the charge whose summoning is warranted at this stage.
13. The timing, content and prayers of the application, considered cumulatively, lead this Court to the irresistible conclusion that the application is a belated and misconceived attempt, at the terminal stage of the proceedings on charge, to protract the same. The apprehension of prejudice pleaded by the applicant is not made out, inasmuch as the material sought is extraneous to the issue of charge; and the dismissal of this application shall not preclude the prosecutrix from pursuing, in accordance with law and before the appropriate forum, any remedy available to her in respect of the alleged misconduct of the police officials of PS Burari, on which this Court expresses no opinion.
14. **Accordingly, the application moved on behalf of the prosecutrix under Sections 94/193(9) BNSS (stated by the prosecutrix to be under Sections 91 & 173(8) BNSS) is hereby dismissed.**

PART II

ORDER ON CHARGE / DISCHARGE (SECTION 251 BNSS)

BRIEF FACTS AND THE FIR

15. The present case arises out of FIR No. 421/2025, registered on 12.05.2025, under Section 69 BNS at Police Station Burari, on the complaint of the



prosecutrix "B" (name withheld being a victim of a sexual offence), aged 19 years at the time of the alleged incident.

16. The gravamen of the complaint, as recorded in the FIR, is that the prosecutrix came in contact with the accused [REDACTED] through their common friend [REDACTED] in February 2025. It is alleged that the accused made a promise of marriage to the prosecutrix and, acting upon such assurance, on 21.02.2025, took her to [REDACTED] Hotel, Nathupura, Burari, and established physical relations with her without her consent. The prosecutrix further alleged that the accused continued the physical relationship on subsequent dates, namely 26.02.2025, 17.03.2025, and 05.04.2025, on the pretext of the same promise of marriage. The prosecutrix stated that the accused subsequently started ignoring her, stopped communicating, and blocked her on social media, which caused her immense mental distress, leading to a self-harm attempt (as recorded in the MLC). The complaint was made on 11.05.2025 before the SHO, PS Burari.
17. Upon registration of the FIR, investigation was carried out by SI Rashi, PS Burari. The statements of the prosecutrix, witnesses, and the hotel manager were recorded under Section 180 BNSS. The statement of the prosecutrix was also recorded before the Ld. JMFC under Section 183 BNSS on 19.05.2025. The medical examination of the prosecutrix was conducted at Burari Hospital vide MLC No. 2136/25. Site plan was prepared. Hotel documents, including certified copies of entries, ID proofs of both parties, and NOC, were seized vide seizure memo. Upon completion of the investigation, charge-sheet was filed under Sections 69/209 BNS, and the case, the offence under Section 69 BNS being exclusively triable by the Court of Sessions, was committed to this Court on 04.11.2025.
18. The prosecution relies upon the following material: (a) the complaint/FIR; (b) the MLC of the prosecutrix vide MLC No. 2136/25 dated 11.05.2025; (c) the statement of the prosecutrix under Section 183 BNSS dated 19.05.2025; (d) statements of witnesses under Section 180 BNSS, including the prosecutrix, the



common friend [REDACTED] the hotel manager [REDACTED] the medical officers, and police officials; (e) certified copies of hotel documents including entry registers and identification documents; (f) seizure memo; (g) site plan; (h) interrogation report of the accused; (i) MLC of the accused; and (j) orders of various courts relating to bail and proclamation proceedings.

19. The application moved on behalf of the prosecutrix seeking preservation/production of certain material and further investigation has been dismissed by this Court for the reasons recorded in Part I of this order. The Court, therefore, proceeds to decide the point of charge on the basis of the material produced with the charge-sheet, as mandated by law.

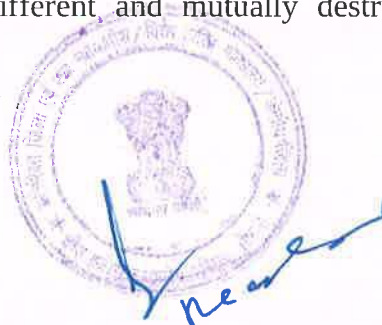
PROSECUTION CASE UNDER SECTION 69 BNS

20. Section 69 of the Bharatiya Nyaya Sanhita postulates punishment for sexual intercourse by employing deceitful means or making a promise to marry without any intention of fulfilling the same. For the offence under Section 69 BNS to be attracted, the prosecution must prima facie establish: (a) a promise of marriage made by the accused; (b) such promise being false at the very inception; (c) dishonest or fraudulent intention existing at the time of making the promise; and (d) that the consent for the physical relationship was solely based on such deceitful promise.

21. This Court has carefully perused the entire charge-sheet, the statements recorded under Section 180 BNSS and Section 183 BNSS, the complaint/FIR, the MLC, the hotel documents, the seizure memo, and all other relied-upon documents. The Court now proceeds to examine whether the material on record raises a "grave suspicion" against the accused warranting the framing of charge, or whether the accused deserves to be discharged.

A. Irreconcilable Contradictions in the Prosecutrix's Versions

22. A critical examination of the record reveals that the prosecutrix has given three materially different and mutually destructive versions regarding the most



fundamental ingredients of the alleged offence, namely, the timing and existence of the promise of marriage, the nature of consent, and the circumstances of the first physical relationship on 21.02.2025.

(i) Version in the Complaint/FIR (dated 11.05.2025): The prosecutrix stated that the accused first made a promise of marriage to her, and thereafter, acting upon such assurance, on 21.02.2025, he took her to the hotel and established physical relations. Thus, as per the complaint, the promise of marriage preceded and was the inducement for the physical relationship.

(ii) Version in the Statement under Section 183 BNSS (dated 19.05.2025): In a complete departure from the complaint, the prosecutrix stated before the Ld. Judicial Magistrate that on 21.02.2025, the accused was requesting her to meet; that she was late returning home and her mother scolded her; that she herself requested the accused to arrange a hotel for her stay; that the hotel was booked at her request; that the accused arrived in an intoxicated condition; and that physical relations were established without her consent. Crucially, she stated that the promise of marriage was made only after the physical relationship, when she threatened to lodge a complaint. She further stated that both of them continued to stay together at the hotel for one day thereafter.

(iii) Version in the Medical History (MLC dated 11.05.2025): The prosecutrix informed the medical officer that on 21.02.2025, the accused sexually assaulted her without her consent, that thereafter he made a promise to marry her, and that subsequently they became good friends and started a relationship.

23. The above three versions are irreconcilable and strike at the very root of the prosecution case. In the complaint, the promise of marriage precedes and induces the physical relationship. In the Section 183 BNSS statement, the promise of marriage follows the physical act and is made only upon the prosecutrix threatening to lodge a complaint. In the MLC, the promise is again stated to have been made after the act, but the subsequent narrative of becoming



"good friends" and entering into a relationship stands in stark contrast to any theory of coerced or deceptive consent.

24. This Court is mindful of the settled legal position that at the stage of framing of charge, the Court is not required to hold a mini-trial or evaluate the evidence with the rigour of a final hearing. However, it is equally well-established that the Court must sift through the material to determine whether there exists a "grave suspicion" against the accused warranting a trial. The Court cannot act as a mere "post office" and blindly accept the prosecution's decision to put the accused to trial. (*State of Karnataka v. L. Muniswamy*, (1977) 2 SCC 699; *Union of India v. Prafulla Kumar Samal*, (1979) 3 SCC 4).

25. The contradictions noted above are not peripheral or trivial in nature. They go to the very foundation of the offence under Section 69 BNS, namely, whether there was a prior false promise of marriage that induced the consent of the prosecutrix. When the prosecutrix's own judicial statement (Section 183 BNSS) places the alleged promise of marriage after the physical relationship, the essential ingredient of Section 69 BNS that consent was obtained by deceitful means through a false promise of marriage stands demolished by the prosecution's own material. A promise allegedly extended subsequent to the act cannot vitiate consent at the inception, which is the sine qua non for constituting an offence under Section 69 BNS.

B. Nature of the Relationship and the Question of Consent

26. Even taking the prosecution case at its highest, the material on record suggests that the relationship between the prosecutrix and the accused was voluntary, consensual, and extended over a considerable period. The prosecutrix herself states in her Section 183 BNSS statement that she requested the accused to arrange the hotel accommodation. The physical relationship continued on multiple subsequent dates (26.02.2025, 17.03.2025, 05.04.2025), and the prosecutrix's own MLC history records that the last sexual intercourse was "by



her own consent." The prosecutrix accompanied the accused to Greater Noida on 23.02.2025 and was in regular contact. The prosecutrix is admittedly a major (19 years of age), educated, and a law undergraduate, capable of understanding the nature and consequences of her actions. The Hon'ble Supreme Court in *Uday v. State of Karnataka 2003 (4) SCC 46*, held that the prosecutrix being deeply in love with the accused; was a mature woman studying in college and had sufficient intelligence to understand the significance of the act, she was consenting to thus, her consent to the sexual intercourse, was held to be free and voluntary.

27. Further, in *Pramod Suryabhan Pawar v. State of Maharashtra & Anr., (2019) 9 SCC 608*, held that the consent of a woman must involve an active and reasoned deliberation towards the proposed act, and to establish that consent was vitiated by misconception of fact arising out of a promise to marry, it must be shown that the promise was false and given in bad faith and with no intention of being adhered to at the time it was given, and that the false promise bore a direct nexus to the woman's decision to engage in the sexual act. Similarly, in *Deepak Gulati v. State of Haryana, (2013) 7 SCC 675*, the Hon'ble Supreme Court drew a clear distinction between a mere breach of promise, and not fulfilling a false promise. The court observed that there may be cases in which the sexual intercourse is established on account of affection that the prosecutrix has for the accused and not solely on account of misrepresentation made to her by the accused. However, there may also be circumstances in which the accused on account of unforeseeable circumstances is unable to marry her; despite having every intention to do so, and accordingly, such cases must be treated differently. Therefore, the accused can only be convicted for rape if it is established that the intentions of the accused were mala-fide and made with an intent that was dishonest ab initio.

28. In the present case, there is no material whatsoever no document, no communication, no third-party evidence suggesting that the accused had, at any



point, made a promise of marriage with a dishonest intention at the inception. The only material is the prosecutrix's own statements, which are self-contradictory on this crucial point. The failure of a relationship or subsequent differences cannot retrospectively convert a consensual relationship into a criminal offence.

C. Absence of Corroborative Evidence

29. The prosecution's entire case rests solely on the statements of the prosecutrix. There is no independent corroborative material on record to support the allegation of a false promise of marriage or non-consensual physical relations. Notably:

(a) The statement of [REDACTED] (common friend, under Section 180 BNSS) merely confirms that the prosecutrix and accused were known to each other and were in a relationship. He does not corroborate any promise of marriage or any non-consensual activity.

(b) The statement of the hotel manager [REDACTED] merely confirms the standard check-in procedure and the fact that both parties stayed at the hotel. He does not provide any evidence regarding the nature of their relationship or consent.

(c) The mother of the prosecutrix, who is a crucial witness regarding the events preceding the first alleged incident on 21.02.2025 (the prosecutrix claiming she called her mother about being late), has not even been examined during the investigation.

(d) The CCTV footage from the hotel has not been preserved, the hotel manager confirming that camera backup is retained for only 15 days.

(e) The prosecutrix's Section 183 BNSS statement contains a claim that the accused cut his hands with a blade and promised marriage, yet the MLC of the accused does not record any such cut marks, which further undermines the credibility of the prosecutrix's account.



30. As held by the Hon'ble Supreme Court in *Raju v. State of Madhya Pradesh*, (2008) 15 SCC 133, while rape causes great distress to the victim, a false implication equally causes distress, humiliation, and damage to the accused, and therefore, the accused must also be protected against the possibility of false implication. The Court must exercise due caution where the prosecutrix's own statements are riddled with material contradictions.

PROSECUTION CASE UNDER SECTION 209 BNS

31. The charge-sheet also invokes Section 209 BNS (non-appearance in response to a proclamation under Section 84 BNSS) against the accused. The factual matrix regarding this charge is as follows:

(a) After the registration of the FIR, the accused's anticipatory bail application was dismissed by the Ld. ASJ, Tis Hazari Courts, and thereafter by the Hon'ble High Court of Delhi.

(b) A bailable warrant was issued against the accused for NDOH 27.06.2025.

(c) On 27.06.2025, a non-bailable warrant was issued.

(d) On 20.08.2025, the Ld. JMFC declared the accused a Proclaimed Offender.

(e) On the same date, i.e., 20.08.2025, the Hon'ble Supreme Court of India granted interim protection from arrest to the accused in SLP (Crl.) No. 12492/2025.

(f) Immediately upon securing interim protection, the accused joined the investigation, visited the police station, submitted to interrogation, and underwent medical examination/potency test at Burari Hospital vide MLR No. 5022.

(g) The accused moved an application before the Ld. JMFC for cancellation of the proclamation order, which the Ld. JMFC kept for consideration while recording the physical presence of the accused on each date of listing.



(h) The charge-sheet itself records the status of the accused as "PO declared and accused joined the investigation as per the order of Hon'ble Supreme Court of India."

32. The record demonstrates that the accused's non-appearance before the Ld. JMFC on 20.08.2025 was on account of his anticipatory bail application being listed for hearing before the Hon'ble Supreme Court on the same date and was not the result of any malafide or deliberate attempt to evade the process of law. The accused joined the investigation immediately upon securing interim protection. In these circumstances, the essential ingredient of Section 209 BNS namely, failure to appear at the specified place and time as required by the proclamation, with the requisite culpable intent to evade the process of law is not established. The proclamation order was passed by the Ld. JMFC being unaware of the pendency of the bail proceedings before the Hon'ble Supreme Court, and the accused has since been regularly appearing before the courts.
33. The accused was throughout on interim protection/interim bail as per the orders of the Hon'ble Supreme Court of India dated 20.08.2025 and 17.12.2025 in SLP (Crl.) No. 12492/2025. The charge-sheet was filed without arrest. The Ld. JMFC accepted the bail bonds furnished by the accused "till further orders of the Ld. Court of Sessions" and committed the case to this Court on 04.11.2025. The Ld. JMFC also directed on 04.11.2025 that as the matter had been committed to sessions, no further orders were warranted in the miscellaneous proceedings relating to cancellation of the proclamation proceedings. Vide order dated 12.05.2026, the Hon'ble Supreme Court disposed of the SLP, permitting its withdrawal with liberty to seek regular bail from the trial court, and extended the interim protection for three weeks for that purpose. Thereafter, vide order dated 29.05.2026, this Court admitted the accused to regular bail under Section 483 BNSS on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount, subject to conditions. The accused has been regularly



appearing before this Court on each date of hearing and no complaint of breach of any bail condition has been brought to the notice of this Court.

34. As regards the Proclaimed Offender status, it is noted that the accused was declared a Proclaimed Offender on 20.08.2025 by the Ld. JMFC on the very date when the Hon'ble Supreme Court granted him interim protection. The accused immediately joined the investigation thereafter and has been appearing before the courts regularly. The PO proceedings are effectively rendered academic in light of the accused's continued compliance with the judicial process.
35. Having carefully sifted through the entire prosecution record, including the charge-sheet, the complaint/FIR, the statement of the prosecutrix under Section 183 BNSS, the statements of witnesses under Section 180 BNSS, the medical examination reports, the hotel documents, the seizure memo, the site plan, the orders of the Hon'ble Supreme Court, and the submissions advanced at the Bar, this Court arrives at the following conclusions:

On Section 69 BNS:

- a. The prosecutrix has given three materially contradictory and mutually destructive versions on the most essential ingredient of the offence i.e. the timing and existence of the alleged promise of marriage vis-à-vis the first physical relationship. The complaint projects the promise as preceding the act; the Section 183 BNSS statement places it after the act; and the MLC history provides yet a third version.
- b. The Section 183 BNSS statement of the prosecutrix which is a statement recorded before a Judicial Magistrate and carries greater evidentiary sanctity itself demolishes the prosecution's case by stating that the alleged promise of marriage was made only after the physical relationship, and that too upon the prosecutrix threatening to lodge a complaint.



- c. There is no independent corroborative evidence of any false promise of marriage. The statement of the common friend [REDACTED] and the hotel manager do not support the prosecution's theory. The mother of the prosecutrix has not been examined.
- d. The prosecutrix is a major, educated, law undergraduate who continued the relationship voluntarily over an extended period. Her own MLC history records the last sexual intercourse as being by her own consent.
- e. The material contradictions in the prosecutrix's own statements are not trivial or peripheral; they strike at the very foundation of the offence under Section 69 BNS and are of such a nature that even if the entire prosecution case is taken at face value, no grave suspicion arises against the accused to warrant framing of charge.

On Section 209 BNS:

- f. The non-appearance of the accused before the Ld. JMFC was on account of the pendency of his anticipatory bail application before the Hon'ble Supreme Court on the same date. The accused joined investigation immediately upon securing interim protection. There is no evidence of any deliberate or malafide attempt to evade the process of law. The ingredients of Section 209 BNS are not made out.

36. In view of the above analysis, this Court is of the considered opinion that the prosecution material, even if taken at its face value in its entirety, does not raise a "grave suspicion" against the accused so as to warrant the framing of charge under Sections 69/209 BNS. The contradictions in the prosecutrix's own statements are fundamental and irreconcilable, and the absence of any corroborative material renders the prosecution case inherently unsustainable at the threshold stage itself. To proceed with the trial in such circumstances would amount to an abuse of the process of law and would cause unnecessary harassment to the accused.



ORDER

- File be consigned to the record room after due compliance.

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