

# Sanoj Kumar Mishra vs The State Govt. Of Nct Of Delhi on 28 March, 2025

\$~69

\*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision

+

BAIL APPLN. 1234/2025

SANOJ KUMAR MISHRA

Through:

Mr. Akhlak Ali and Mr.  
Sharma, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respond

Through: Mr. Nawal Kishore Jha, APP for t

State with Inspr. Ashish S. Dal

W/SI Shruti Dubey, PS Nabi Kari

CORAM:

JUSTICE GIRISH KATHPALIA

## J U D G M E N T (ORAL)

1. The petitioner has sought anticipatory bail in case FIR No. 174/2025 of Police Station Nabi Karim for offence under Sections 376/323/313/354C/506 IPC.

2. The FIR was registered on the complaint of prosecutrix, explaining the circumstances as follows. The petitioner is a film director based in Mumbai and he allegedly blackmailed and raped the prosecutrix and also forced her to undergone multiple abortions. The prosecutrix came in contact with the petitioner through social media platform Tik Tok and Instagram in the year 2020 and they exchanged their mobile phone numbers. At that time, the prosecutrix was residing in Jhansi. On 17.06.2021, the petitioner called her up to inform that he had reached Jhansi Railway Station to meet her, but BAIL APPLN. 1234/2025 Page 1 of 5 pages DN: c=IN, o=HIGH COURT OF DELHI, ou = D E L H I H I G H C O U R T , G I R I S H K A T H P A L I A 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626c acca, postal Code = 1 1 0 0 0 3 , st = D E L H I , serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.03.28 18:28:18 -07'00' she refused to see him, expressing societal pressures. On this, the petitioner stated that if she did not meet him, he would commit suicide by jumping before a running train, after which her entire family would go to jail. The prosecutrix got scared and met the petitioner at the Railway Station. Thereafter, on 18.06.2021, the petitioner called her up and again asked her to come to the Railway Station, otherwise he would commit suicide, so she again went to meet him. From Railway Station, the petitioner took her in TSR to a Resort and assured her that they could talk in the room in peace. After they finished their meals, the petitioner started getting dizzy and by about midnight on regaining consciousness, she found herself lying naked, so started crying. On this, the petitioner told her that he had clicked her obscene photographs and videos, which he would make public if she objected. At the same time, the petitioner also said to her that he loved her and would commit

suicide if he did not get her. On 19.06.2021, the petitioner went to Lucknow and they stayed in communication with each other through phone. On 10.07.2021, the petitioner again visited Jhansi and called the prosecutrix to Orcha where he again established physical relations with her in a hotel. Even thereafter, the petitioner on several dates established physical relations with the prosecutrix after calling her at different places by alluring her with a launch as a heroine in a movie named Gajnavi. Being allured to be made a film heroine, the prosecutrix reached Mumbai and started living with the petitioner, who continued exploiting her physically. During that period, the petitioner also physically assaulted the prosecutrix on different dates and at different places, specifically described in the FIR. In the meanwhile, the petitioner also forced the prosecutrix to BAIL APPLN. 1234/2025  
Page 2 of 5 pages DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, GIRISH KATHPALIA 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cac ca, p o s t a l C o d e = 1 1 0 0 0 3 , s t = D E L H I , serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.03.28 18:28:03 -07'00' undergo abortions thrice and finally abandoned her in the month of February, 2025 after threatening to defame her with her obscene photographs and videos which had been recorded by him. As per the FIR, the petitioner also told the prosecutrix that he had exploited many girls and he would kill her if she further raised the issue.

3. Learned counsel for the petitioner submits that the FIR was lodged by the prosecutrix only out of professional rivalry and otherwise she established sexual relations with the petitioner with consent. Learned counsel for the petitioner also states that the prosecutrix herself submitted an affidavit before the Court of Sessions testifying that she had lodged the FIR under some misunderstanding and has no objection if the petitioner is granted anticipatory bail.

4. On the other hand, learned prosecutor strongly opposes the anticipatory bail application on the ground that custodial interrogation of petitioner is required in order to track down the records of multiple abortions got done on the prosecutrix and also to recover the obscene pictures and videos of the prosecutrix, taken by the petitioner. Learned prosecutor also points out that even if the subsequent acts are treated as consensual sex, at least the initial act of sexual assault on the prosecutrix was clearly an offence of rape after the petitioner administered some intoxicant in the meals and thereafter established physical relations.

5. The prosecutrix herself is present in Court and submits that she has no BAIL APPLN. 1234/2025  
Page 3 of 5 pages GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, p o s t a l C o d e = 1 1 0 0 0 3 , s t = D E L H I , serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.03.28 18:27:42 -07'00' objection if the petitioner is granted anticipatory bail.

6. Keeping in mind, the specific details in the FIR of various dates and places where the prosecutrix was raped, according to her, I am unable to suspect at present any falsity or vagueness in the same.

7. As described above, initially the communication between the petitioner and the prosecutrix was only a distant online one through social media platforms and thereafter, with allurement to make her a film heroine the petitioner induced the prosecutrix to accompany him to hotel room where he intoxicated and raped her. And thereafter, the petitioner threatened to malign her by circulating her obscene photographs and videos.

8. Just because now, the prosecutrix does not object to grant of anticipatory bail, the present petition cannot be allowed. As mentioned above, the petitioner allegedly clicked obscene videos and photographs of the prosecutrix and threatened to make the same public if she did not cooperate. Under these circumstances, I am not satisfied that consent given by the prosecutrix to grant anticipatory bail is a voluntary act of hers.

9. This is not a case of regular bail sought by the petitioner after his arrest. This is a case of anticipatory bail, sought by a film director, who allegedly committed repeated acts of sexual exploitation against a small town girl who aspired to be film heroine. Granting anticipatory bail in such cases would also send very wrong signals across the society, portraying that BAIL APPLN. 1234/2025 Page 4 of 5 pages DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, GIRISH KATHPALIA 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626caccaca, postalCode=110003, st=DELHI, serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C Date: 2025.03.28 18:27:24 -07'00' after exploiting such girls, a person with hands in pocket can go scot free.

10. Further, the investigator also needs to carry out custodial interrogation to trace out not just those obscene pictures and videos but also the multiple abortions through which the prosecutrix was forcefully taken as alleged by her in the FIR.

11. Considering the aforesaid circumstances, I do not find it a fit case to grant anticipatory bail. Accordingly, the anticipatory bail application is dismissed.

GIRISH DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af 3962c6fb4835d435f97626cacca, KATHPALIA postalCode=110003, st=DELHI, serialNumber=D3E86796451EC45C07B5D15570996B40F80CBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.03.28 18:27:07 -07'00' GIRISH KATHPALIA (JUDGE) MARCH 28, 2025 'rs' BAIL APPLN. 1234/2025 Page 5 of 5 pages