

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

Date of Reserve: 18th November, 2010

Date of Order: 22nd November, 2010

+ Bail Application No. 1288/2010

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22.11.2010

Radhey Shyam

... Petitioner

Through: Mr. A.K.Saini, Advocate

Versus

The State

... Respondent

Through: Mr. Sunil Sharma, APP for the State

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

The applicant is facing trial under Section 363/364/376 IPC and is in judicial custody since 14th December, 2007. Statement of prosecutrix has been recorded. The learned Counsel for the applicant submits that after going through the statement of prosecutrix, it can be inferred that the prosecutrix had willingly accompanied the applicant to different places and stayed with the applicant in hotels and other places. Even at the time of marriage there was no pressure or coercion on the prosecutrix. It is submitted that the applicant was entitled for bail.

2. I have gone through the statement made by the prosecutrix before the trial Court. the prosecutrix was aged around 18 years on the date of incident. Her evidence shows that she had married the applicant at Arya Samaj Mandir, Jamuna Bazar, Delhi on 23rd October, 2007 and thereafter she

visited several places. Although she had taken plea that she had married the applicant under coercion and threat but her testimony reflects otherwise. I consider that it is a fit case where the accused should be granted bail.

3. I, therefore allow the application of the applicant. It is directed that he be released on bail on his executing personal bond to the tune of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court concerned.

November 22, 2010
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SHIV NARAYAN DHINGRA, J.