

4

\$~18

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 386/2015
RAJU KUMAR KESHRI

..... Petitioner

Through: Mr Jitendra Bharti, Adv.
versus

STATE

..... Respondent

Through: Ms Fizani Hussain, Additional Public
Prosecutor for the State alongwith WSI
Brahmo Devi Police Station Vasant Kunj,
New Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

03.03.2015

Vide this application under Section 438 Cr.PC, the petitioner seeks anticipatory bail in case FIR 942/2014 under Section 376 IPC registered at Police Station Vasant Kunj, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by the prosecutrix 'N' wherein she alleged that she was working at Air India Sats Airport for the last about one and a half years. He met the petitioner who was also working in BWFS at Airport. They became friends. The petitioner promised to marry her. They started residing together at Mahipalpur. During this period, he has sexual relations with her. The petitioner has left her two days ago. He has exploited her physically on the pretext of marriage as such she prayed for legal action against him.

It is submitted by learned counsel for the petitioner that the petitioner and prosecutrix were known to each other and became friends. They decided to marry each other and as such got married in a temple and thereafter they started living together as husband and wife in *Nitin Ka Makan, Dada Bhaiya Market, Rangpuri, New Delhi*. The family of the petitioner were agreeable for the marriage. Initially, even the mother of prosecutrix was not opposing the marriage but subsequently she and her son were opposing this marriage. The complainant herself gave an open letter declaring that she was married to the petitioner and was residing with him of her own will and that they will go for court marriage. However, under the pressure of her mother and brother who were against the marriage this false complaint has been lodged against him. In support of the submissions that they were living together as

5

husband and wife, reliance was placed on Tenant Verification Form as well as various photographs.

In the status report furnished by the Investigating Officer of the case it has been verified that the tenant verification form was filled by the petitioner and the complainant wherein they have been shown as husband and wife. On the basis of details furnished by the petitioner, an enquiry was made from Shri Hanuman Jha, Pandit of Mandir who verified that he got the marriage solemnized.

In order to verify the factum of marriage of the complainant with the petitioner, the Investigating Officer of the case was directed to call the complainant, however, it was reported that she refused to come unless she is impleaded as a party. Under the circumstances, the counsel for the petitioner filed amended memo of parties impleading her as a party and thereafter notice was issued to the complainant. As per the report of the Investigating Officer, special messenger was sent at the address of the complainant at Bihar. The complainant took the copy of the order but refused to sign on the receipt of copy of the order. The complainant identified the photographs of her mother wherein she is seen with the petitioner and the complainant.

Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

A copy of this order be given *dasti* to counsel for the petitioner.

Sunita Gupta
SUNITA GUPTA, J

APRIL 23, 2015/*rd*