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

+ **BAIL APPLN. 36/2016**

GHANENDER PRATAP

..... Petitioner

Represented by: Mr. S.S. Rathee, Advocate.

versus

STATE (GNCT DELHI)

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with W/SI Raj
Devi, PS Begum Pur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.08.2016

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 1324/2015 under Section 376 IPC registered at PS Begum Pur, Delhi.

2. The prosecutrix in her statement on the basis of which FIR was registered stated that she was aged 30 years and was residing in a rented accommodation with her parents and working as a cook in different houses. She was married to one Rajender Arya in the year 2010 and had two daughters from the said wedlock. In the year 2014 her husband deserted her and took along with him, her two daughters. They had stayed for nearly five years on rent at the house of her husband's maternal uncle's son Ghanender Pratap, the petitioner herein. Whenever her husband used to beat her Ghanender Pratap and his family members used to make him understand and after her husband deserted her, she came back to her parental home. All her

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articles were lying in the rented accommodation at the house of Ghanender Pratap which was also taken away by her husband. Thereafter Ghanender Pratap started visiting her at her parental home and impressed on her and her mother that he would marry the prosecutrix and keep her happily. On 15th May, 2014 at home around 12.30 noon when the prosecutrix was all alone Ghanender Pratap came to her house and after assuring her of marriage with her misbehaved and raped her. When the prosecutrix stated that she would complain to the police on 3rd June, 2014 he took her to Arya Samaj Mandir Trust, Khanna Market, Tis Hazari. Before that he took the prosecutrix's mother and aunt to the house of a lawyer where some papers were prepared and thereafter the marriage was performed at Arya Samaj Mandir and a certificate was given in original. The original was handed over to Ghanender Pratap and a photocopy was handed over to the prosecutrix. She was wearing pair of gold tops, necklace, silver pajeb (anklet) and bicchia which were also taken away by Ghanender Pratap. However, in the month of July, Ghanender Pratap refused to keep the prosecutrix as his wife. The prosecutrix went to her house once or twice however, did not talk to him on this issue. On 8th December, 2015 when she went to the house of the petitioner they had a quarrel as Ghanender Pratap refused to keep her and thus she lodged a complaint as on the pretext of marriage Ghanender Pratap established physical relationship with her.

3. The contention of learned counsel for the petitioner is that the petitioner is a student of Hotel Manager at Gwalior and in the month of May, 2014 he was ill and advised bed rest by the doctors of Government District Hospital, Jhansi. The so called marriage was performed by

pressurising the petitioner for which he came to Delhi on 3rd June, 2014 at the instance of the mother and maternal aunt of the prosecutrix. When the petitioner came back to Delhi after the exams in July, 2014 he was made to reside with the prosecutrix and the children at a house in South Delhi however, the husband of the prosecutrix/complainant filed a missing report on 5th July, 2014 whereafter the husband of the complainant/prosecutrix took away the children with him and left the complainant at her parental house. Since the prosecutrix/complainant was not a divorcee, the petitioner filed a petition for annulment of the marriage before the family court.

4. A perusal of the documents would reveal that the complaint filed by the prosecutrix was prior in time however, both the parties being closely related, the petitioner being the cousin of the husband of the complainant knew the status of each other.

5. Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

**AUGUST 16, 2016/‘vn’
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