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

+ **BAIL APPLN. 1307/2016**

**DHARAMVIR AND ORS**

..... Petitioners

Represented by: Mr. Puneet Khurana and Mr.  
Sachit Setia, Advocates.

versus

**THE STATE**

..... Respondent

Represented by: Mr. Hirein Sharma, APP for  
the State with W/SI Clara  
Toppo, PS Malviya Nagar.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**01.08.2016**

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By this petition the petitioners seek anticipatory bail in case FIR No 468/2016 under Sections 376/323/506/34 IPC registered at PS Malviya Nagar, Delhi.

The petitioners are the father and paternal uncles of 'A' a juvenile who is alleged to have committed the offence of rape with the prosecutrix who happens to be the cousin of 'A'.

Learned APP for the State submits that the allegations against the petitioners along with the other accused are that they were instrumental in her kidnapping.

In the FIR there is no allegation of kidnapping by the petitioners however, in the statement recorded under Section 164 Cr.P.C. the complainant alleges kidnapping against the petitioner.

In the statement under Section 164 Cr.P.C the prosecutrix stated that

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she was having an affair with 'A' and he forced her to marry her. They were to marry in Court. The prosecutrix alleges that on the threat of 'A' that he would die in case she did not call him, she brought him to her house so that the parents could talk. However, on that night 'A' committed rape on her. Further allegations are that on the night of 28<sup>th</sup> -29<sup>th</sup> 'A' called her from his mother's mobile phone stating that his family members will kill him and she should come. On the next date when she went to his house at Sohna, she realised that 'A' had stated false facts to her. In the meantime, his family members made her sit in the car and when she refused they threatened her. It is alleged that by giving her injection she was forcefully married to 'A'.

Learned APP for the State on instructions submits that the petitioners have already joined the investigation and no recovery is required to be made from them.

Considering the allegations against the petitioners and the fact that they have joined the investigation, I deem it fit to grant anticipatory bail to the petitioners. It is, therefore, directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond of ₹25,000/- each with one surety of the like amount each subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioners will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the learned Trial Court.

Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**AUGUST 01, 2016/'vn'**

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