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

+ **BAIL APPLN. 1287/2016**

RAJEEV KUMAR

..... Petitioner

Represented by: Mr. Rajan Chaudhary, Mr.
Sanjeev Bharatdwaj, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Beena PS Subji Mandi.
Mr. Ravi Bassi, Adv. for
complainant .

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.08.2016

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1. By the present petition the petitioner seeks regular bail in case FIR No.389/2015 under Sections 420/495/376/506 IPC registered at PS Subji Mandi.

2. Learned counsel for the petitioner contends that since the aunts of the prosecutrix were living in the neighbourhood of the petitioner, they were aware of the marital status of the petitioner and thus to say that on deceit the petitioner performed the marriage without disclosing the fact about his earlier marriage is incorrect. In cross-examination the prosecutrix admitted that she had been visiting her aunt's house.

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3. The allegations in the above-noted FIR by the prosecutrix are that her two aunts were married in village Ratanpuri Khatauli, Muzaffar Nagar where she met the petitioner. Petitioner took her mobile phone number from the son of her aunt in February 2015 and thereafter started proposing her for marriage. The petitioner started sending her messages and when she stated that she would marry according to the wishes of her parents, he started threatening her that he would commit suicide in case she did not reply to his messages and she and her parents would be responsible for his death. On 29th May, 2015 the petitioner asked her to reach Tis Hazari Courts from where he took her along with one more person to Arya Samaj Mandir, Rajindra Market near Tis Hazari and prepared his affidavit along with that of the prosecutrix. In the affidavit the petitioner clearly stated that he was unmarried. Thereafter their marriage was solemnized by a Pandit. Their marriage was registered before the SDM Office Daryaganj on 29th May, 2015 itself. However all the documents of the marriage were retained by the petitioner. On 4th July, 2015 the petitioner took her to Meerut to his flat at Panchwati Enclave to introduce to his sister. At the flat he forcibly committed rape upon her stating that now they were married. Thereafter the petitioner brought the prosecutrix to a hotel at Jagrati Enclave, Delhi where again he raped her. On 28th July, 2015 it was revealed to the prosecutrix from her aunt and her son that the petitioner was already married and having one son. They also informed her that his wife Pooja was at village Ratanpuri, Khatauli.

4. The prosecutrix has been examined in Court wherein she deposed in sync with her statement on the basis of which FIR was registered. She has been cross-examined in extenso, however the fact remains that the petitioner after assuring the prosecutrix that he was unmarried and filing an affidavit in this regard performed marriage with the prosecutrix and thereafter committed sexual assault. Prima facie considering the nature of allegations against the petitioner, I do not find it to be a fit case for grant of bail.

5. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 22, 2016
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