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

+ **BAIL APPLN. 1578/2016**

**JITENDER GIRSAY**

..... Petitioner

Represented by: Mr. Aman Mehta, Adv.

versus

**THE STATE ( NCT OF DELHI)**

..... Respondent

Represented by: Ms. Rajni Gupta, APP.

**CORAM:**

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

**ORDER**

**26.09.2016**

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By the present petition the petitioner seeks anticipatory bail in case FIR No.575/2016 under Sections 376/506 IPC registered at PS Dabri.

Learned counsel for the petitioner contends that the relationship between the parties were consensual as is evident from number of documents he has placed on record. As per the FIR, the petitioner had married the respondent No.2 and even as per the admission of the complainant in the year 2013 she had come to know that the petitioner was earlier married, however the complaint was lodged on 17<sup>th</sup> July, 2016. The petitioner has cooperated with the investigation and no custodial investigation is to be done from the petitioner. The petitioner does not dispute having married the complainant on 18<sup>th</sup> June, 2011 during the subsistence of the earlier marriage nor the birth of the child from the said

***BAIL APPLN. 1578/2016***

***page 1 of 3***

relationship.

Learned APP for the State has taken me through the FIR and the status report. In the FIR complainant alleged that the petitioner was working in the same office where the complainant was working and in the year 2011 he forcibly established relations with her due to which she conceived and when she complained to him, they got married at Arya Samaj Mandir. During the course of investigation it was found out that the parties got married on 18<sup>th</sup> June, 2011 at Arya Samaj Mandir and a child was born after six months of the marriage. The complainant further alleges that the petitioner used to keep her at different places and when she wanted to meet his family members he became annoyed and in 2013 in anger one day he informed her that he was already married and had a living wife. However, thereafter also he threatened and had physical relations with her. It is alleged that the petitioner after cheating her has deserted the complainant.

Though it is the case of the complainant that in the year 2013 she came to know about the first marriage of the petitioner, however as per the first wife of the petitioner they were both introduced in October 2011 and since then both are on talking terms and the complainant has been attending the social and family functions of the petitioner's family. Even accepting the version of the prosecutrix that in the year 2013 she came to know that the petitioner was earlier married it is not denied that the parties had relationship thereafter and the complaint was lodged only on 17<sup>th</sup> July, 2016.

Considering the facts and circumstances of the case and the fact that the petitioner has already joined the investigation, 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 and will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**SEPTEMBER 26, 2016**  
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