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

+ **BAIL APPLN. 1689/2016 & CrI.M.B. 1514/2016**

ARMAN KHAN

..... Petitioner

Represented by: Mr. Sitab Ali Chaudhary with
Mr. Gufran Ali, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Nandita Rao, ASC with SI
Pinki Rana, PS New Ashok
Nagar.
Mr. Lokesh Kumar Mishra,
Adv. for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.09.2016

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.419/2016 under Section 376 IPC registered at PS New Ashok Nagar on the complaint of respondent No.2.
2. The allegations against the petitioner in the FIR were that on 22nd March, 2009 the petitioner came to the house of prosecutrix and expressed his desire to marry her however she turned down the proposal. Thereafter, the petitioner requested the complainant number of times to marry him and one night he stayed in the house of complainant and developed physical relation with her forcibly. When the complainant stated that she will make a complaint to the police, he assured that he would solemnize marriage after marriage of his four sisters. Thereafter on the pretext of marriage, the petitioner established relationship with the complainant and later she came

to know that the petitioner had already married. The prosecutrix reiterated the allegations in the statement recorded under Section 164 Cr.P.C.

3. The plea taken by the petitioner that since his marriage was to be performed on 12th April, 2016 he was in his village when the incident took place. As per the location from the CDR of mobile phone of petitioner, he was found to be in the area of Pandav Nagar in late night of 6th April, 2016 and in New Ashok Nagar in the morning of 7th April, 2016. As per the status report on 29th July, 2016 the petitioner along with his friend Kasif took the prosecutrix in the area of PS Bhalswa Dairy threatened and beat her in which regard a DD entry was lodged on the same day. Further the prosecutrix has produced a recording of conversation between her and the petitioner on 18th August, 2016 wherein the petitioner was pressurizing her to settle the matter. Status report also reveals that on 16th September, 2016 two persons wearing helmet threatened the prosecutrix to withdraw the above noted case and threw some liquid on her on which case FIR No.507/2016 under Sections 326A/506/34 IPC was registered.

4. Learned counsel for the petitioner submits that he has never threatened the prosecutrix and has always cooperated in the investigation.

5. Considering the allegations against the petitioner and his conduct of threatening the prosecutrix, I do not find it to be a fit case for grant of anticipatory bail.

6. Petition and application are dismissed.

MUKTA GUPTA, J.

SEPTEMBER 23, 2016/‘v mittal’