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

+ **BAIL APPLN. 1779/2016**

SURESH KASHYAP

..... Petitioner

Through: Mr. Rao Balvir Singh and S.K.
Verma, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
31.08.2016

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CRL.M.A. 13432/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

BAIL APPLN. 1779/2016

Issue notice. Learned APP accepts notice on behalf of the State. I have heard learned counsels on both sides.

The petitioner has preferred the present petition seeking regular bail under Section 439 Cr PC in case FIR No.537/2016 registered under Section 363 IPC registered at PS Hari Nagar. The petitioner has been in judicial custody since 11.08.2016.

The complainant has lodged a complaint stating that he has three daughters – the eldest being Sujata @ Alia aged 17 years, who went missing on 04.08.2016. The complainant claims that despite searching, he did not find her anywhere. He complained that somebody had kidnapped his daughter.

The petitioner states that he is 22 years of age and he was having an affair with the daughter of the complainant, Sujata. The petitioner states that as per his information, the date of birth of Sujata is 01.06.1998. He has married Sujata and he relies on the Aadhar Card of Sujata to submit that she was major at the time of marriage on 11.07.2016 at Arya Samaj Sewa Trust, Rajindra Market, Tis Hazari Court, Delhi. The petitioner has placed on record the photographs of his marriage with Sujata.

Learned counsel for the petitioner submits that Sujata has made a statement under Section 164 Cr PC before the concerned MM refusing to go with her parents and, consequently, she is presently residing at Nirmal Chhaya. The petitioner submits that the FIR in question is false and has been preferred only because the father of Sujata is not happy about the fact that she has married the petitioner. The petitioner is the sole bread earner in his family. The investigation is complete and there is no reason to detain him in prison any further.

Mr. Datta does not dispute the fact that Sujata has admitted to have married the petitioner out of her own free will and consent. She has also refused to go with her parents and is presently residing at Nirmal Chhaya. It appears that there is some doubt about the age of Sujata at the time of marriage with the petitioner. Be that as it may, in my view, no useful purpose would be served in detaining the petitioner in custody.

Accordingly, the petition is allowed.

The petitioner is admitted to bail upon furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Trial Court.

The application stands disposed of.

Dasti.

VIPIN SANGHI, J

AUGUST 31, 2016

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