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

+ **BAIL APPLN. 2667/2016**

JOGESHWAR OROAN @ JAGESHWAR TIGGA..... Petitioner

Through: Mr. Puneet Agrawal & Mr. Dalveer,
Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr. Rajat Katyal, APP and Ms. Ankita
Goyal, Advocate for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
23.12.2016

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Crl.M.A. No.20187/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2667/2016

Issue notice. Mr. Katyal accepts notice.

The petitioner has preferred the present anticipatory bail application under Section 438 Cr.P.C. apprehending arrest in case FIR No.15/2016 registered under Section 376/ 506 IPC at PS – Malviya Nagar, New Delhi.

The submission of the petitioner is that the petitioner and the prosecutrix were in a live-in relationship. The FIR came to be registered on

account of misunderstanding between the petitioner and the prosecutrix. Learned counsel submits that the petitioner never backed out of marriage and has actually got married to the prosecutrix with the consent of parties. Learned counsel submits that the earlier bail applications of the petitioner were rejected/ withdrawn at a stage when the marriage had not been got registered. However, the last bail application preferred before the learned ASJ was filed after the marriage had even been got registered on 23.11.2016. It is submitted that the prosecutrix was also present before the Court to support the application for grant of anticipatory bail, yet the same has been dismissed by the learned ASJ. The petitioner also places reliance on a Memorandum of Understanding arrived at between the parties on 28.07.2016.

Mr. Katyal submits that the petitioner has been declared as a Proclaimed Offender and, therefore, this Court should not grant indulgence of granting protection to the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready & willing to join the investigation and appear before the Trial Court.

Looking to the peculiar circumstances of the case, which show that the petitioner and the prosecutrix have actually got married, as also the fact that the prosecutrix is present even before this Court to support the present application while stating that they are living happily as husband and wife, the bail application is allowed. In case of his arrest, the petitioner shall be released on bail upon his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the arresting officer. This is further subject to the condition that the petitioner shall appear before the Trial Court on 19.01.2017. He shall also

join the investigation as and when called for by the I.O.

The petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

DECEMBER 23, 2016

B.S. Rohella