

\$~11

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

+ **BAIL APPLN. 2264/2015**

KARTHIK SARMA

..... Petitioner

Through : Mr.S.S.Bhatia, Advocate with
Mr.Naveen Arya, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Raghuvinder Varma, APP.
Mr.Sidharth Tyagi, Advocate for the
complainant along with complaint in
person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **04.03.2016**

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.1215/2014 registered under Sections 376/498A/406/34 IPC at PS Hari Nagar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that the petitioner has been falsely implicated in this case. He never married the complainant as alleged at Vankateswar Mandir, Sector-3, R.K.Puram, New Delhi on 08.07.2008. Due to the harassment by the complainant, the petitioner had lodged a complaint with the SHO Civil Lines, Sector-15, Gurgaon on 22.06.2014. The petitioner has joined the investigation.

3. On perusal of the file, it reveals that the petitioner had moved this Court for grant of anticipatory bail earlier also. The said petition for grant of anticipatory bail was dismissed by this Court by a detailed order dated 07.09.2015. The said order records that the life of the victim was spoiled and since 2008 she was under the bonafide impression that she was married to the petitioner. The petitioner has denied her status of marriage and intends to marry someone else. Considering the allegations being serious the petition for anticipatory bail was dismissed. The petitioner did not surrender after dismissal of the petition. Status report reveals that he could not be traced at Dilshad Garden and Gurgaon. LOC has been opened to prevent him to leave the country and non-bailable warrants have been issued against him.

4. Learned counsel for the petitioner failed to impress as to how the second anticipatory bail application without any substantial change of circumstances is maintainable for consideration particularly when the earlier bail application was dismissed on merits.

5. Considering the gravity of the offence and the unreasonable conduct of the petitioner to abscond, I find no sufficient ground to grant anticipatory bail to the petitioner and it is dismissed.

S.P.GARG, J

MARCH 04, 2016 / tr