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

+ **BAIL APPLN. 2590/2015**

KULVIR

..... Petitioner

Represented by: Ms. Namita Sharma with Mr.
Suarabh Bhardwaj, Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
with W/ASI Sudesh & SI
Mukesh Kumar, PS J.P. Kalan.
Mr. Brijender S. Dhull, Adv.
for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
19.08.2016

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 186/2015 under Section 376 IPC registered at PS Jaffarpur Kalan.
2. Learned counsel for the petitioner contends that the above-noted FIR is a counterblast to the complaint filed by the petitioner on the basis of which FIR No.119/2015 under Sections 389/406/420/494/506 IPC was registered pursuant to the directions issued by learned Metropolitan Magistrate under Section 156(3) Cr.P.C. on 29th May, 2015. Ingredients of Section 376 IPC are not fulfilled. Marriage between the petitioner and complainant was performed on 5th October, 2014 in a simple ceremony at Sanatan Dharam Mandir, Yamuna Bazar, Delhi after they had a love affair.

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However, the prosecutrix could not live properly in the matrimonial home and started demanding exorbitant amount. After the marriage it was revealed to the petitioner that the complainant had earlier performed two marriages whereafter also she separated which facts were concealed from the petitioner before marrying him.

3. Learned APP for the State has taken me through the FIR and the status report.

4. The allegations of the complainant in the above-noted FIR are that around 2½ years ago from 12th September, 2015 when the FIR was registered she was under training as a Staff Nurse at Baba Haridas Institute, Jharoda Kalan, Delhi. She came in contact with the petitioner who used to call her on mobile phone. On 28th September, 2014, while the petitioner was dropping her at Narela, he gave her some intoxicating substance and subsequently sexually assaulted her. When the complainant stated that she would lodge a complaint, the petitioner promised to marry her and thereafter continued to sexually exploited her on the pretext of marriage and married her on 5th October, 2014 at Arya Samaj Mandir. Thereafter, from February, 2015, the complainant was being maltreated by the petitioner and her in laws. It is alleged that on 15th February, 2015 the brother of petitioner committed rape on her.

5. Even without going into the fact that the present FIR was lodged on 12th September, 2015 after the petitioner got lodged FIR being FIR No.119/2015 on 4th June, 2015, it is to be noted that the case of the complainant qua the petitioner was that he sexually assaulted her and when she threatened he promised to marry her and continued to sexually exploited

her on the promise of marriage. It is admitted between the parties that on 5th October, 2015 the petitioner finally married her. Subsequent misbehaviour post marriage is a separate aspect unconcerned with the allegation for offence punishable under Section 376 IPC qua the petitioner.

6. Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned and further subject to the petitioner joining investigation as and when directed by the investigating officer .

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

AUGUST 19, 2016
‘V MITTAL’