

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-12522 of 2017
Decided on: 24.04.2017**

Anil Kumar and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Abhimanyu Singh, Advocate for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J.

The petitioners pray for grant of bail in anticipation of arrest in FIR No.469 dated 16.12.2016 under Sections 366, 376-D, 328, 506, 342 and 382 of the Indian Penal Code (in short 'IPC') registered at Police Station Tosham, District Bhiwani.

Counsel for the petitioners has submitted that Munni Devi, mother of the alleged victim lodged FIR that Monika her daughter aged about 18 ½ years has gone away on 15.12.2016 at night time. It is further submitted that Monika of her own will left the house of the complainant, went away with Anil Kumar – petitioner No.1, performed marriage with him and thereafter they filed a joint petition in the High Court for protection of life and liberty and in those proceedings, the prosecutrix filed her affidavit (Annexure P1). Before the petitioner and the prosecutrix could appear before the Court in protection proceedings, Monika was forcibly taken away by her parental family members. Monika was pressurized by her parental family members and she made a statement before the Court under Section 164 Cr.P.C. indicting the

petitioners and three more persons in regard to committing sexual assault/rape. It is vehemently argued that in view of the photographs and marriage certificate placed on record coupled with that Monika was approximately 18 years of age at the time of alleged occurrence, the petitioners are entitled to benefit of bail in anticipation of arrest, though otherwise they are ready to face proceedings, in accordance with law and co-operate throughout.

I have heard counsel for the petitioners and perused the paperbook.

The petitioners have placed on record statement of Monika recorded by the Sub-Divisional Judicial Magistrate, Tosham dated 22.12.2016 under Section 164 Cr.P.C. She has levelled allegations against the petitioners and three more persons namely Monu, Vikas and Ravi alleging that they all committed sexual intercourse with her during her stay in a hotel. The matter would have been different had the girl levelled allegations only against Anil Kumar – petitioner No.1 as he has averred that Monika performed marriage with him. Taking into consideration the gravity of allegations raised by the prosecutrix against the petitioners and their three accomplices, it is not a fit case wherein the petitioners deserve to be allowed concession of pre-arrest bail.

Dismissed.

24.04.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No