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

+ **BAIL APPLN. 163/2017**

**RAM SAHAY MISHRA** ..... Petitioner

Through : Mr. A.V. Shukla, Adv.

versus

**STATE** ..... Respondent

Through Ms. Meenakshi Dahiya, APP with SI  
Manish Sharma, P.S. Aman Vihar  
Ms. Suman Chauhan, Adv. for  
complainant with complainant in  
person

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

% **04.08.2017**

**Crl. M.A. No. 1546/2017 (condonation of delay)**

Delay of 168 days in removing the objections is condoned.

Application is disposed of.

**BAIL APPLN. No. 163/2017**

Learned counsel for the petitioner submits that at the time of marriage, prosecutrix concealed the fact about her previous marriage. After the marriage, petitioner and prosecutrix lived together. One child was born on 17<sup>th</sup> January, 2015 at BSA Hospital, Rohini, Delhi. Unfortunately, the child died on 27<sup>th</sup> January, 2015. Differences arose between the petitioner

and the prosecutrix and she left the company of petitioner. Marriage of prosecutrix with her previous husband was dissolved thereafter. FIR was lodged after more than 11 months on false allegations.

Learned APP, who is assisted by the learned counsel for the prosecutrix, submits that prosecutrix was married with one Shri Ajay Kumar Mishra on 6<sup>th</sup> May, 2007. Disputes arose between the prosecutrix and Shri Ajay Kumar Mishra. In the month of March, 2013, a settlement was arrived at between the prosecutrix and her husband at Rohini Court. Prosecutrix was staying at her parents' house. One Hari Shankar Tiwari was neighbour of prosecutrix's father. He suggested the name of petitioner for re-marriage. Prosecutrix met petitioner at his house. He established physical relations with her on the pretext that he will marry her. After about 2-3 months, petitioner married her by putting vermilion on her forehead. Thereafter, they started living at Ghaziabad. Petitioner ...established forcibly sexual relations with the prosecutrix during her staying with him. On 17<sup>th</sup> January, 2015, a child was born at BSA Hospital, Rohini but unfortunately the child died on 27<sup>th</sup> January, 2015. Since then, petitioner deserted the prosecutrix. On 28<sup>th</sup> August, 2015, father of the prosecutrix took her to the petitioner's village but he refused to accept the prosecutrix as his wife. Charge-sheet

has already been filed and petitioner is stated to have declared Proclaimed Offender.

Learned counsel for the petitioner submits that petitioner was not aware about the case. When he came to know about it he filed an application for the grant of anticipatory bail before the trial court, which has been dismissed.

Keeping in mind the totality of facts and circumstances as detailed hereinabove, it is ordered that in case of arrest, petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹20,000/-(Rupees Twenty Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Dasti.

**A.K. PATHAK, J.**

**AUGUST 04, 2017**

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