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

+ **BAIL APPLN. 2100/2016**

JITENDER YADAV

..... Petitioner

Through: Mr. R.D. Tyagi, Sangeeta Tyagi and
T.N. Tyagi, Adv.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP with SI
Dinesh, PS Jamia Nagar
Mr. Saifi Ahmed, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.01.2017

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The status report has been filed on record, which shows that the complainant upon her examination had disclosed that she had married one Jagdish @ Jaggi, s/o. Chander Pal, resident of Vill. Manjhawali, Tehsil Ballabgarh, Faridabad, Haryana in the year 1999. After one year, she separated from him due to some disputes between them. It appears that a decision in this regard was taken by the panchayat. It appears that the complainant has not obtained a divorce of decree from a competent court from Jagdish @ Jaggi.

According to the complainant, she had thereafter got married to the petitioner on 15.01.2008, and the petitioner and the complainant had been living as husband and wife.

Learned APP submits that there are several documents which have been collected during investigation which shows that the petitioner has described the complainant as his wife. The photographs of the marriage performed between the petitioner and the complainant have also been collected.

Prima facie, it appears to this court that since the marriage of the complainant with Jagdish @ Jaggi was not legally dissolved by a decree of divorce, the same continues to subsist and merely on account of the decision of panchayat, the said marriage could not be dissolved. The marriage of the complainant with the petitioner, prima facie, cannot be valid in the eyes of law and, consequently, the provisions of section 498A IPC may not even be attracted in the present case.

In these circumstances, the petitioner is granted anticipatory bail. 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/ investigating officer. This is further subject to the condition that the petitioner shall join the investigation as and when called for. He shall not try to influence the victim/ witnesses and tamper with the evidence.

The application stands disposed of. Dasti.

VIPIN SANGHI, J

JANUARY 30, 2017

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