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

+ BAIL APPLN. 2293/2016 and CrI.M.A.17459/2016

AKASH DEEP

..... Petitioner

Through: Mr. Vipul Sharma, Advocate with
Mr. Subodh Kumar, Adv.
Mr. Pandey, Adv. along with
petitioner in person.

versus

STATE OF DELHI

..... Respondent

Through: Mr. Amit Chadha, APP for the State
with WSI Surekha Moghey,
PS Malviya Nagar.
Mr. Nikhil Kharbanda, Adv. with
Mr. Y.K. Verma, Adv. for
complainant with complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **11.05.2017**

The applicant is accused of the offence of rape, having persuaded the prosecutrix into engaging with him in sexual intercourse on the promise of marriage. The applicant while seeking anticipatory bail submitted through his counsel before this court on 09.11.2016 that the physical relationships were consensual and that there was no promise of marriage on his part. The applicant seems to rely on some correspondence exchanged including through social media network.

The application, however, withholds crucial facts, as have now been brought out, *inter alia*, through the status report dated 08.05.2017 and also by the complainant (the prosecutrix), who is present through counsel that the applicant had taken her to Arya Samaj Mandir, Khanna Market, Tis Hazari, Delhi where marriage ceremony took place on 29.10.2016, certificate of such

marriage and the photographs of various rituals connected therewith having been handed over by the prosecutrix to the investigating officer.

During hearing today, it was submitted on behalf of the applicant that a civil suit has been instituted in the court of Principal Judge, Family Court, South District at Saket Court Complex, Delhi seeking declaration that this marriage was null and *void-ab-initio*. These facts should have found mention in the application for bail as well. Clearly, an attempt was made to mislead the court.

Having regard to the overall facts and circumstances brought out, and the conduct of the applicant, there is no case made out for release on anticipatory bail. The interim protection stands withdrawn.

Bail application along with accompanying application is dismissed.

R.K.GAUBA, J.

MAY 11, 2017

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