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

+ **BAIL APPLN. 1537/2017**

**PAWAN KUMAR**

..... Petitioner

Through: Mr. Vishnu Sharma, Ms. Sonika  
Tyagi and Ms. Sajia Malik,  
Advocates

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through: Ms. Meenakshi Chauhan, APP for  
State with SI Karmveer Singh,  
AHTU/ Crime Branch

**CORAM:**

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

**ORDER**  
**11.09.2017**

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By this application filed under Section 439 Cr.P.C., petitioner seeks bail in the case FIR No. 940/2004, under Sections 366/ 370/ 376/ 34 IPC, registered at PS Nangloi.

A Perusal of the material placed on record shows that prosecutrix was married with one – Sh. Manoj Kumar on 10<sup>th</sup> October, 1996. Three children were born out of that wedlock. On 11<sup>th</sup> October, 2004, Sh. Manoj Kumar lodged the missing report of his wife, pursuant whereof FIR No. 940/2004 under Sections 366/370/376/34 IPC was registered at Police Station – Nangloi. At that time, prosecutrix was around 30 years of age.

Prosecutrix had approached the Police Station Kotwali, Gang Nahar,

Rurki, Haridwar, Uttarakhand, after 13 years and stated in her statement recorded on 23<sup>rd</sup> January, 2017, that in the year 2004, her brother-in-law, namely, Maamum told her that his brother had met with an accident. On this pretext he took her with him but subsequently abandoned her as she had fallen unconscious. She did not know as to what had happened thereafter, she roamed in Haridwar and had no memory about her residence. Haridwar police informed the Delhi Police, thereafter under Section 164 Cr.P.C. was got recorded, at Delhi wherein, she stated that after her brother-in-law abandoned her, she met with a Muslim fellow, who took her to his house. She made him her brother and stayed at his place for about two months. The said Muslim fellow sold her to Saini family. She was forced to marry the petitioner and was kept in haridwar. Petitioner and his family used to beat her. She told some of her friends there that she already had children. Whenever, she told petitioner that she should be sent back to her home, he would tell her not to tell anything to anyone. One day, she escaped from the house, in absence of the petitioner and went to police post in Uttarakhand. She has alleged that petitioner had kept her forcibly at his house.

Learned counsel for the petitioner has contended that prosecutrix has stayed with the petitioner for about 13 years. During this period, her name was recorded in various Government records as wife of petitioner. Petitioner was a widower. Prosecutrix stayed with the petitioner of her own free will, without any coercion or undue pressure. She did not complain to anyone during her stay with the petitioner for 13 years. Petitioner did not keep her with him, forcibly, as it is apparent from the photographs placed on record at pages 74 to 79. Petitioner's brother has already been granted bail by a Bench of coordinate jurisdiction of this Court.

Investigation qua the petitioner is complete. Charge sheet has already been filed. Petitioner is in custody for more than 6 months. Keeping in mind the totality of facts and circumstances, detailed hereinabove, the petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹20,000/- with one surety in the like amount to the satisfaction of the Trial Court.

Dasti.

**A.K. PATHAK, J**

**SEPTEMBER 11, 2017**

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