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

+ BAIL APPLN. 2202/2017

DEEPAK BUNKAR

..... Petitioner

Through: Mr.Anil Kumar Kamboj, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State
Prosecutrix in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.11.2017

1. By way of this application filed under Section 439 Cr.P.C. the petitioner is seeking regular bail in case FIR No.290/2016 under Sections 363/376 IPC and Section 6 POCSO Act, registered at PS Mayapuri.
2. Status report on behalf of the State has been filed.
3. Heard.
4. Perusal of the record shows that initially case FIR No.290/2016 was registered on 25th October, 2016 under Section 363 IPC on the statement of the complainant regarding missing of his daughter since 18th October, 2016. Copy of the charge-sheet has been annexed with the bail application.
5. As per the prosecution case during investigation, on receiving the information that the missing girl was within the jurisdiction of PS Prithvi Pur District Tikamgarh (M.P.), with the assistance of local police she was

recovered from there. She was sent for medical examination and found to be two months pregnant. Her statement under Section 164 Cr.P.C. was also got recorded. As per the statement made before the learned Metropolitan Magistrate under Section 164 Cr.P.C. she stated that she got married to the petitioner, Deepak and on the day of *Karva Chauth* she left for Jhansi and was living with her husband. She also stated that her parents are not aware of her marriage. She expressed her desire to live with her husband. Subsequently, the petitioner was also arrested in this case from Jhansi.

6. During the hearing of the bail application before the learned trial Court, the complainant, who is father of prosecutrix, appeared and informed the Court that he had no objection to grant of bail to the accused and that FIR was registered under some misunderstanding. Learned trial Court rejected the bail application on the ground of nature and gravity of the offence.

7. While making statement under Section 164 Cr.P.C., the prosecutrix has given her age as 17 years but while lodging the missing report her father has given her age to be 13 years.

8. Today the prosecutrix is present in Court in compliance of the last order dated 1st November, 2017 and she is referring the petitioner to be her husband.

9. Taking into consideration that it appears to be a case of run away marriage neither the prosecutrix nor her father/complainant has any objection to the release of the petitioner on bail which fact also mentioned before the learned ASJ, the petitioner is admitted on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of learned Trial Court/Link Court.

10. The bail application is allowed

11. As prayed, copy of the order be given dasti to learned counsel for the petitioner.

PRATIBHA RANI, J.

NOVEMBER 09, 2017

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