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

+ **BAIL APPLN. 2610/2017**

PRAKASH

..... Petitioner

Through: Mr.Aditya Madan, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Satish Kumar,
PS Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **20.12.2017**

1. The petitioner has filed instant application under Section 439 Cr.P.C. seeking interim bail for a period of six weeks in case FIR No. 11/2017 under Sections 302/307/120-B/34 IPC and Sections 25/27/54/59 of Arms Act, registered at PS Ambedkar Nagar, Delhi to solemnise his marriage which is fixed for 23rd December, 2017. Invitation card for the marriage is also annexed with the bail application.

2. Status report has been filed by the State verifying the factum of marriage of the petitioner Prakash with Himani D/o Sh.Devender Bhadana to be solemnised on 23rd December, 2017 at TA-67, A-1, 3rd Floor, Tuglakabad Extn.-4, New Delhi-110019. Alongwith the status report, statement of the proposed bride Himani, her mother Smt.Radha Devi and father of the petitioner Sh.Hari Kishan to the above effect have also been annexed.

3. Learned counsel for the petitioner submits that the petitioner is in love

with Himani for the last five years. Himani is presently staying at the house of the petitioner even without marriage. Learned counsel for the petitioner further submits that the parents of the petitioner are not able to keep an unmarried girl at their house due to societal pressure. Therefore, to legalise their relationship, the parents of the petitioner as well as of the girl Himani decided to solemnise the marriage of petitioner with Himani in the presence of close family members. Learned counsel for the petitioner submits that in the circumstances, the petitioner may be granted interim bail for solemnising his marriage with Himani.

4. Learned APP for the State has opposed the prayer for grant of interim bail submitting that the petitioner is facing trial in a case registered under Sections 302/307/120-B/34 IPC and Sections 25/27/54/59 of Arms Act and there is a possibility of his absconding if granted interim bail.

5. Learned counsel for the petitioner, on instructions, submits that to enable the petitioner to solemnise his marriage, if this Court is not inclined to grant him interim bail, atleast custody parole may be granted so that marriage ceremony can be performed.

6. Vide order dated 5th December, 2017 the prayer of the petitioner for grant of interim bail to enable him to get married with Himani was declined by the learned Trial Court. During the hearing of the bail application the girl Himani alongwith her mother appeared before the learned Trial Court and in the order dated 5th December, 2017 the learned Trial Court recorded as under:-

'Pursuant to the application, report was called from the IO wherein it was reported that the girl Himani Bhadana as well as her mother Radha Devi categorically denied to have agreed for any such marriage. The said statement of the girl and her

mother was also filed alongwith report dated 27.11.2017 by the IO. However, on the date of hearing of said application, the girl and her mother had appeared and stated that their signatures were taken without reading over the contents of the same to them while both the ladies present in the Court further stated that they were willing for said marriage with the accused.'

6. Considering the facts and circumstances of the case and the request made by learned counsel for the petitioner to atleast grant custody parole, the petitioner is granted custody parole from 9.00 am to 7.30 pm on 23rd December, 2017 to solemnise his marriage with Himani D/o Sh.Devender Bhadana at the address/venue as per the wedding card.
7. The concerned Jail Superintendent, Delhi is directed to make necessary arrangement for sending the petitioner on custody parole on 23rd December, 2017 from 9.00 am to 7.30 pm with escort(s) in plain clothes for getting married and thereafter he shall be brought back. The petitioner is directed to comply with the directions of the person(s) escorting him to the marriage venue and not to make any attempt which may give rise to apprehension in the mind of the escort(s) that he intends to escape from the venue on some pretext.
8. It is made clear that the petitioner shall not be permitted to be with the bride Himani away from the sight of the escort(s).
9. Application stands allowed in above terms.
10. A copy of this order be sent to the Superintendent Jail, for information and necessary compliance and be also given *dasti* to the counsel for the Appellant under the signatures of the Court Master.

PRATIBHA RANI, J.

DECEMBER 20, 2017/ 'st'