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

+ BAIL APPLN. 1412/2017

RAKESH KUMAR

..... Petitioner

Through: Mr. M.K. Perwez, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Ravi Nayak, APP for the State
with Inspector Virender Kumar,
Crime Branch.

+ BAIL APPLN. 1362/2018 & Crl.M.A. 11252/2018

SUNNY

..... Petitioner

Through: Mr. Prince Bhardwaj, Proxy Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Ravi Nayak, APP for the State
with Inspector Virender Kumar,
Crime Branch.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.07.2018

The names of the petitioners have come up during investigation into
FIR No. 247/2017 involving offences punishable under Sections
363/366A/120 B of Indian Penal Code, 1860, Sections 3, 4 and 16 of
Protection of Children from Sexual Offences Act, 2012 and Section 11 of

BAIL APPLN. 1412/2017 & conn.

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Prohibition of Child Marriage Act, 2006 being investigated by police station Ranhola since taken over by crime branch of Delhi Police. The prosecutrix at the relevant point of time is stated to have been 16 years 6 months, her date of birth having been described as 09.10.2000, she allegedly having been enticed and taken away from out of the lawful custody and care of the parents by petitioner Sunny, the other petitioner Rakesh Kumar being his father. It appears the prosecutrix and petitioner Sunny underwent some ceremony on 19.05.2017 whereby it is claimed by the petitioners that she had got married to said Sunny. The controversy had come up as subject matter of writ petition (Crl.) 1387/2017 which was heard by a division bench of this Court on 30.05.2017. The said writ petition was withdrawn by the complainant's father for the reason the prosecutrix had appeared before another bench in writ petition (Crl.) 1590/2017. The learned Additional Public Prosecutor, on instructions from the investigating officer, submits that the said other writ petition was also later withdrawn and disposed of accordingly. The investigation, however, has brought out that in the writ petition (Crl.) 1387/2017, copy of the Aadhar card of the prosecutrix was used indicating her date of birth to be 09.10.1998, it having been found upon investigation to be a forged and fabricated document. The role of the petitioner Rakesh Kumar in arranging the said fabricated document has come up during investigation.

Having regard to the facts and circumstances and keeping in view the gravity of the offences involved, it is not a fit case for this Court to indulge the petitioners by grant of discretionary relief of anticipatory bail.

The petitions are dismissed. The interim order is vacated.

The petitioners are directed to present themselves before the investigating officer forthwith.



R.K.GAUBA, J

JULY 20, 2018

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