

\$~4

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

%

Judgment delivered on: 13.02.2018

+ BAIL APPLN. 1673/2017

NOOR ISLAM @ NOORUL ISLAM, @ NOORIS

..... Petitioner

versus

THE STATE NCT OF DELHI

..... Respondent

Through:

Advocates who appeared in this case:

For the Petitioner : Mr. Aashish Kumar with Mr. Amit Madaan,
Advocates.

For the Respondent : Ms. Anita Abraham, APP for the State.
SI Pardeep Singh, PS Mahendra Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

13.02.2018

SANJEEV SACHDEVA, J. (ORAL)

BAIL APPLN. 1673/2017

1. The petitioner seeks regular bail in case FIR No.114/2017, Police Station Mahendra Park. The said FIR was initially registered under Section 363 IPC on the complaint of the mother of the girl aged

17 years. Subsequently, Sections 366/376 IPC and section 6 of POSCO Act have been added.

2. The statement of the girl recorded under Section 164 is that she had gone on her own with the petitioner to his house in Patna where they performed Court Marriage. Thereafter, they went to the house of the grandparents of the petitioner and informed them that they had got married. It is stated that the marriage was accepted and thereafter they started residing together as husband and wife. She in her statement under Section 164 has stated that she wishes to reside with the petitioner. Her testimony has also been recorded before the Court, wherein, she has once again stated that she went with the petitioner out of her own free will and thereafter performed marriage with him and went to his grandparents' house. Reliance is placed on the judgment of a Division Bench of this Court in the case of *State vs. Habib*: (2014) 211 DLT 138.

3. The petitioner has been in jail since 13.05.2017. The statement of the prosecutrix has already been recorded before the Trial Court. At the time of the alleged incident she was approximately sixteen and a half years of age. Trial is likely to take time.

4. After perusal of the record, I am of the view that the petitioner has made out a case for grant of Bail. The petitioner is granted bail, subject to the petitioner furnishing a personal bond in the sum of Rs.25,000/- with a surety of the like amount to the satisfaction of the

Trial Court. The petitioner shall not do anything which shall prejudice either the trial or the prosecution witnesses. The Petitioner shall not attempt to contact the prosecutrix or her family. The petitioner shall also not leave the country without the permission of the Trial Court.

5. Order Dasti under the signatures of the Court Master.

FEBRUARY 13, 2018
st

SANJEEV SACHDEVA, J



भारतमेव जयते