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

+ **BAIL APPLN. 124/2018**

PANKAJ GOSWAMI

..... Petitioner

Represented by: Mr. Shiv Kumar Tyagi,
Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
State with Inspector Sanjeev
Kumar, SI Samreet and ASI
Sunita, PS Harsh Vihar.
Mr. Kuldeep Yadav and Mr.
Rahul K. Gupta, Advocates for
the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.02.2018

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1. By this petition the petitioner seeks anticipatory bail in case FIR No. 453/2017 under Sections 376/506 IPC registered at PS Harsh Vihar, New Delhi.

2. The prosecutrix in her complaint got registered on 5th November, 2017 stated that she was married, however, her husband had left her. Thus she started living at her mother's house. She alleged that the petitioner Pankaj Goswami, her neighbour had an evil eye on her prior to her marriage and for that reason her family members had performed her marriage. It is alleged that the petitioner committed wrong acts with her and spoilt her matrimonial life. She stated that she was now residing with her sister and

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the petitioner was following her and on one day he forcibly carried her on his motor cycle to a hotel, where he developed physical relation with her forcibly. Thereafter the petitioner took her to the hotel various times and did wrong acts with her contrary to her wishes. The complainant also alleges that the petitioner promised to marry her and also threatened to kill her and her brothers.

3. As per the status report investigation was carried out, after statement of prosecutrix was recorded under Sections 161 and 164 Cr.P.C. As per the investigation the petitioner and the prosecutrix got married at Arya Samaj Mandir on 2nd July, 2016 contrary to the wishes of family members and while the first marriage of the prosecutrix was in subsistence. Statement of owner of the house No. A-690, Gali No. 9, Meet Nagar, Jyoti Nagar, Delhi has also been recorded who stated that the petitioner along with the prosecutrix had lived in their house for approximately seven months during which period the mother, sister and other family members of the prosecutrix used to regularly come to meet the prosecutrix.

4. Considering the investigation carried out independently, de hors the statements of the prosecutrix which do not substantiate the allegations of the prosecutrix, the photographs of the marriage performed and the certificate issued in this regard placed on record which have also been verified, this Court deems it fit to grant anticipatory bail to the petitioner.

5. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the

petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of residential address, the same will be intimated to the court concerned by way of an affidavit.

6. Application is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 16, 2018
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