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

Judgment delivered on 03.12.2019

+ **BAIL APPLN. 2461/2019**

PAWAN BHATI

..... Petitioner

Through: Mr. Charan Singh, Advocate.
versus

THE STATE(GOVT. of NCT of Delhi

..... Respondent

Through Mr. G.M.Farooqui,
APP for State.
SI Rajeshwar:
PS Palam Village

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(Oral)

1. Vide this order, I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Pawan Bhati** in FIR No. 151/2019, u/s. 363/366/376/506/34 IPC and Section 6 of POCSO Act, P.S. Palam Village, Delhi.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and falsely implicated. He is well educated person and has clean antecedents. It is submitted that petitioner is

distant cousin of the prosecutrix. Prosecutrix was introduced to the main accused Pawan s/o Amar Singh by the petitioner. The present case was got registered just to extort money and to harass the petitioner. It is further submitted that the prosecutrix has given different statements at different stages and has even mentioned that the petitioner was not there when she met the main accused at Connaught Place. It is submitted that since investigation is complete and charge sheet has been filed and custodial interrogation is not required and therefore, petitioner be released on bail in the interest of justice.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Petitioner has played an active role in arranging alleged marriage of the prosecutrix with main accused Pawan and he had also got prepared false documents of age of the victim in order to get marriage certificate from the court. He has, therefore, prayed for dismissal of the bail application.

4. I have considered the rival submissions. As per prosecution version, the present case was registered on the complaint of Mr.

“M” brother of prosecutrix on 31.03.2019, who alleged that his sister “X” aged 17 years was kidnapped from her house on 24.03.2019. Later on during investigation, complainant “M” informed IO SI Ravinder that marriage of his sister has been performed with Pawan. Accused Pawan was arrested from PS Welcome New Delhi on 18.04.2019. Statement of victim ‘X’ was recorded u/s 161 CrPC, wherein she has alleged that one month ago she had met Pawan through petitioner who is her cousin. Pawan had taken her mobile number and started talking to her. Later on, he started alluring her and on 24.03.2019, Pawan had called victim ‘X’ at Connaught Place Delhi. When she reached there, she found Pawan with his friend Gautam and Priya. Later on Pawan had taken her to Loni Railway Station assuring that he wanted to marry her and they will live together. She refused to do so. However, Pawan took her mobile and threatened her with dire consequences and took her to Baraut UP by train. Thereafter, on the same day on 24.03.2019, he brought her at his room at Barbarpur, Delhi. On 25.03.2019, Pawan took her at BehtaItwar Bazar, UP where he had taken a room on rent. Thereafter in the night of 25.03.2019, Pawan

made physical relations with her. Accused Pawan married her at Gaziabad Court and at Arya Samaj Mandir against her wishes. The Victim has alleged that Pawan used to make physical relations with her daily. Statement of prosecutrix under Section 164 Cr.P.C. was recorded by Mr. Udit Jain, Ld. MM Dwarka Court wherein she has stated that on 24.03.2019, she went to meet Pawan at Connaught Place, where his two more friends were with him. They took her forcibly to Ghaziabad Court and got prepared the marriage certificate. Pawan had snatched her mobile phone. They all three were together. Pawan was caught by police and she was released. As per school certificate date of birth of victim is 08.05.2002.

5. In the present case, charge-sheet under Section 363/366/506 IPC has been filed in the Court. Perusal of the record reveals that apart from statement recorded under Section 161 Cr.P.C., one more supplementary statement of prosecutrix under Section 161 Cr.P.C. was also recorded wherein she has categorically stated that petitioner i.e. Pawan Bhati S/o Dharam Pal used to come to her residence. On 13.02.2019, Pawan Bhati had called her and asked her to come to Connaught Place where he had discussed about

Pawan and told her that Pawan is his very good friend and is working in Goyal Clinic, Babarpur, Shahadra. **Petitioner Pawan Bhati also took her to the residence of Pawan S/o Amar and asked her to marry him.** She refused to do so and on this, the petitioner got annoyed. After 4-5 days, she received a call from Pawan S/o Amar who disclosed that he had taken her number from petitioner. She blocked her mobile number but petitioner created pressure upon her to talk to co-accused Pawan S/o Amar. It has also come in the supplementary statement of prosecutrix that when co-accused Pawan and Gautam took prosecutrix to Baraut, U.P. *via* train, the petitioner was also present there and had asked her to marry Pawan otherwise no one will come to know where she has gone. He also told her that he has prepared all the documentation relating to her marriage. It has also come in the statement of prosecutrix that all the three accused persons told her that they would make such documents which will show that her age is above 18 years. She has further stated that co-accused Pawan, Pawan Bhati (the petitioner) and Gautam had forcibly made false documents showing her age as 18 years and forcibly married her

with co-accused Pawan at Ghaziabad court and Arya Samaj Mandir. Perusal of the statement of prosecutrix, who is 17 years old clearly reveals that she has been forcibly married to co-accused Pawan and petitioner Pawan Bhati has performed an active role in the same. Keeping in view the age of the prosecutrix, her forcible marriage with co-accused Pawan and active role played by the petitioner and gravity of offence, no grounds for bail are made out. The bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

DECEMBER 03, 2019
(AK)

