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

+ **BAIL APPLN. 2854/2019**

PARVEEN

..... Petitioner

Through

Mr. Jatan Singh, Mr. Manoj Kumar
and Mr. Shailesh Anand, Advs.

versus

STATE

.... Respondent

Through

Mr. Amit Chadha, APP for State.
WSI Rimpi Devi, PS Kanjhawala
along with prosecutrix

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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27.01.2020

The present petition is filed under section 439 Cr.P.C. for grant of bail in FIR No.273/2019 dated 17.07.2019 registered at Police Station Kanjhawala for the offences punishable under section 376/377/328/506 IPC.

Case of the prosecution is that prosecutrix namely "K" who has alleged that she got married to one Rahul in the year 2016 was having matrimonial dispute with her husband. Her brother-in-law i.e. the Petitioner came to her parental house and took her along to her matrimonial house on the pretext of settling her disputes with her husband. From there, the Petitioner took her to Noida to a friend's house, where he gave her something to eat and drink, upon which she became unconscious and the Petitioner committed rape upon her and filmed the act. The Petitioner threatened her with a pistol and made her sign some blank documents. The

documents were used by her estranged husband in his favour in divorce proceedings.

Learned counsel appearing on behalf of petitioner submits that during course of investigation, Investigating Agency arrested Petitioner on 16.08.2019. The Prosecutrix further improved her version in her subsequent statement which is reflected in MLC, on the basis of which section 377/506 of IPC have been added and chargesheet was filed by the investigating agency against Petitioner.

Learned counsel for petitioner submits that petitioner is not at all involved in the present case and he has been falsely implicated by the prosecutrix in connivance with the police officials of PS Kanjhawala, only to seek revenge from her husband with whom she was having strained relationship and to coerce him to accede to her demands.

The Prosecutrix, a mature lady, married the Petitioner on 28.04.2018 as per Hindu Rites and Rituals out of her own sweet will without any force, coercion and undue pressure. For the said ceremony, Prosecutrix also swore an affidavit and gave an undertaking that she is marrying Petitioner out of her own sweet will.

Learned APP appearing on behalf of State submits that factum of the marriage of the petitioner and prosecutrix has been verified from concerned temple and pujari and found to be correct.

It is not in dispute that husband of the prosecutrix is real brother of petitioner and she had matrimonial dispute, therefore, without commenting on the prosecution case, I am of the view that petitioner is entitled for bail as he is in Jail since 16.8.2019.

Accordingly, petitioner shall be released on bail on his furnishing

personal bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of the Trial Court.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case. The Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

The present petition is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

JANUARY 27, 2020

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