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

+ **BAIL APPLN. 1562/2020**

HARI OM alias HONEY

..... Applicant

Through: Appellant produced in JC through VC by
Ajay Rawat, Warden, CJ-5.
Mr.Uttam Datt, Mr.Rishi Raj Sharma &
Ms.Sonakshi Singh, Advocates.

Versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Kamal Kumar Ghei, APP for State
with SI Sanjogita Yadav.
Complainant in person with Ms.Inderjeet
Sidhu, Advocate for complainant.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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28.08.2020

(hearing through Video Conferencing)

The applicant has been produced in judicial custody and the applicant is duly identified by the jail authorities.

The applicant states that he is 19 years of age and that he wants to marry the prosecutrix and that he has a child between him and Aarti. The parents of the petitioner were present on 14.08.2020 through Video Conferencing before this Court and stated that they were willing to get the petitioner marry with the prosecutrix.

The father of the prosecutrix was present on 04.08.2020 and had submitted that he too wanted the prosecutrix to marry to the applicant, though as per the averments made in the FIR, the prosecutrix was allegedly raped as per her statement under Section 164 of the Cr.P.C., 1973 dated

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16.11.2019, relations between the prosecutrix and the applicant were consensual.

The status report dated 06.08.2020 that has been submitted by the State indicates that as per the ossification test of the prosecutrix as per her date of examination on 27.02.2020, her age was put forth as being 17-20 years.

It is the avowed contention of the applicant that the prosecutrix was of the age of 19 years and was not a minor at the time of the alleged commission of the offence which however, is refuted on behalf of the State.

On a consideration of the submissions that have been made on behalf of either side, without any observations on the merits or demerits of the trial that may take place, taking into account the statement under Section 164 of the Cr.P.C. of the prosecutrix dated 16.11.2019, the factum that the applicant and the prosecutrix, the parents of the petitioner, the father of the prosecutrix all want that a matrimonial alliance is arrived at between the applicant and the prosecutrix who are now stated to be the parents of a child pursuant to the relations between the applicant and the prosecutrix, in the interest of justice, the applicant is allowed to be released on bail on filing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with directions that he shall not leave the city, shall appear as and when directed by the learned Trial Court and shall commit no offence whatsoever.

Nothing stated hereinabove shall however amount to any expression on the merits or demerits of the trial that may take place.

The application stands disposed of.

ANU MALHOTRA, J

AUGUST 28, 2020

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