

'Not Simpliciter Case Of Rape, Parties Were Engaged': Uttarakhand High Court Grants Short Term Bail To Rape Accused To Marry Victim

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HIGH COURT OF UTTARAKHAND AT NAINITAL

Ravindra Maithani; J.

Short Term Bail Application No.49 of 2022

Surjeet Kumar *versus* State of Uttarakhand

Mr. Bhuwan Bhatt, Advocate for the applicant.

Mr. Lalit Miglani, A.G.A. with Ms. Sonika Khulbe, Brief Holder for the State.

Applicant Surjeet Kumar is in judicial custody in FIR No.0219 of 2022, under Section 376 IPC, Police Station Premnagar, District Dehradun. He seeks short term bail on the ground that he and the victim are getting married.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant and the victim befriended each other. Their marriage was fixed. Thereafter, the applicant established physical relations with the victim, but subsequently, he declined.

4. In a rape case simpliciter, the Court may not encourage marriage between the parties. But, it is not a case simpliciter of rape. According to the FIR, itself, first parties had engaged. Their marriage was fixed. Thereafter, the applicant established physical relations and, subsequently, declined to marry the victim. And now it is being stated that the applicant and the victim both are getting married.

5. Having considered the facts and circumstances of this case, this Court is of the view that it is a case in which the applicant should be granted short term bail for a period of 2 weeks.

6. Short term bail application is allowed.

7. Let the applicant be released on short term bail for a period of 2 weeks, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the court concerned. It is further directed that, on expiry of the duration of short term bail, the applicant shall surrender before the court concerned.

8. Let a certified copy of this order be supplied to the learned counsel for the parties, today itself, on payment of usual charges.

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