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

+ **CRL.A. 133/2022**

IMRAN

.....Appellant

Through: Mr. Kanhaiya Singhal, Mr. Ujwal
Ghai, Mr. Udit Bakshi, Ms. Vani
Singhal, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Raghuinder Varma, APP and SI
Gita Yadav, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.07.2024

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CRL.M.A. 18851/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.(BAIL) 1063/2024

3. The present application has been filed under Section 389 r/w 482 Cr.P.C. on behalf of appellant seeking interim suspension of sentence for a period of 30 days on the ground of marriage of appellant's sister, namely Ms. Farha.
4. The marriage is scheduled for 10.07.2024 and marriage related functions are stated to be commencing from 08.07.2024.
5. Learned counsel for the appellant submits that the appellant is also required to be released so as to arrange sufficient funds for the



functions. It is pertinent to mention here that the appellant was convicted in case FIR No. 422/2017 registered under Sections 376/354/504 IPC and Section 4/8 POCSO at PS Mehrauli.

6. It is pertinent to mention here that the present application was moved only on 02.07.2024.
7. Learned APP for State has filed the detailed status report. In the status report it has been stated that the factum of the marriage is verified.
8. Interestingly, the status report reveals that during enquiry Zahid Ali that is Firoz Khan's father with whom the marriage is to take place told that the date of the marriage is not fixed. The status report also states that the pendency of this application has duly been informed to the SHO of PS Mehrauli.
9. Learned APP for the state has submitted that earlier also the appellant was given concession of interim bail but he did not surrender on time.
10. I have considered the submissions.
11. It is pertinent to mention here that for the marriage on 10.07.2024 and 14.07.2024, the application was moved only in the last week of June 2024 which came up for hearing on 02.07.2024.
12. There is nothing in the application that the marriage was fixed in such a hurry. All these facts cause a serious suspicion for fraud including the averments made in the status report that the father of the boy was not aware about the date of the marriage.
13. In the facts and circumstances, however, taking into the humanitarian grounds, let the petitioner be taken into custody to the marriage of his sister Farha Khan on 10.07.2024 for Nikah from 05:00 P.M. to 11:00 P.M. to the wedding venue i.e. Sujan Singh Park, Near Khan Market,



New Delhi-110003.

14. Expenses of the accused being taken into the custody shall be borne by the petitioner.
15. In view of the above, the application stands disposed of.

DINESH KUMAR SHARMA, J

JULY 9, 2024/AR..