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

+ **BAIL APPLN. 448/2016**

SUNIL KUMAR GUPTA Petitioner

Through : Mr.Javed Alvi, Advocate.

versus

STATE (NCT OF DELHI) Respondent

Through : Mr.Amit Gupta, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **14.09.2016**

1. The matter is taken up today as 13th September, 2016 was declared holiday on account of 'Id ul-Zuha'.
2. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.174/2016 registered under Section 376B IPC at PS Begumpur, Delhi. Section 376 IPC was added subsequently. Status report is on record.
3. I have heard the learned counsel for the parties and have examined the file. By an order dated 01.03.2016, the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has joined the investigation since then. On 11.05.2016 it was informed that the petitioner was involved in some other criminal case. Learned APP, on instructions, informs that the petitioner has since been acquitted in the said criminal case.

4. The petitioner and the prosecutrix were acquainted with each other since long. The complainant is aged around 40 years and was married to Harpal Singh. She has three sons and is living with them. Her husband Harpal Singh is living separate for the last about 7 – 8 years. Physical relations allegedly took place between the petitioner and the prosecutrix and it continued for about fifteen years. Marriage took place between the two on 23.01.2016.

5. Considering the facts and circumstances of the case, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

6. The bail application stands disposed of.

S.P.GARG, J

SEPTEMBER 14, 2016 / tr