

\$~7

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

+ **BAIL APPLN. 490/2016**

SUNNY @ KUNAL

..... Petitioner

Through : Mr.Ram Kumar, Advocate.

versus

STATE

..... Respondent

Through : Ms.Meenakshi Dahiya, APP with ASI
Kiran Sethi.

Ms.Shantha Devi Raman, Advocate
for the complainant.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

%

05.09.2016

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.20/2016 registered under Sections 376/506 IPC at PS Anand Parbat. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. By an order dated 04.03.2016, the petitioner was granted interim protection and was directed to join the investigation as and when required. Subsequently, Crl.M.A.No.9489/2016 was filed on behalf of the complainant for withdrawal of the interim protection. Undisputedly, the petitioner has joined the investigation since then.

3. The petitioner and the prosecutrix are related to each other. As per allegations in the FIR, physical relationship took place between them about two months after the marriage of the prosecutrix with Vijay @ Arjun - petitioner's brother-in-law. The marriage between the parties took place on 02.05.2015. Physical relationship took place thereafter on several occasions. The prosecutrix did not lodge any complaint with the police or her family members promptly. When the victim's husband arrived at the spot and suspected about physical relations between the two, her husband and in-laws called her parents. A quarrel took place between the two families. Victim's in-laws separated both, the victim and her husband. The petitioner's wife declined to stay with him because of the dispute. After a considerable delay, the FIR was lodged on 05.01.2016.

4. It is relevant to note that FIR No.1230/2015 under Sections 365/342/323/506/34 IPC at PS Sultan Puri has been registered against Bijender @ Vijender. Order dated 16.02.2016 in Bail Application No. 1242/RC reveals that the matter was settled between the parties on 11.02.2016 before Mediation Centre.

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.

CRL.M.A.Nos.9489/2016 & 11851/2016

In view of the order passed above, the applications are dismissed.

S.P.GARG, J

SEPTEMBER 05, 2016 / tr