

4# \$~

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

+ **BAIL APPLN. 1131/2016**

MUKESH RATHORE

..... Petitioner

Represented by: Mr. Amish Dabas and Ms.
Shreya Dabas, Advocates.

versus

STATE

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with WSI Sushila,
PS Samaipur Badli.
Mr. Sumit Chaudhary,
Advocate for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

10.08.2016

1. By this petition the petitioner seeks anticipatory bail in case FIR No.465/2016 under Sections 498A/406/377/354/509/376/34 IPC registered at PS Samaipur Badli, Delhi.

2. Learned counsel for the petitioner submits that the petitioner is the elder brother of the husband of the complainant. The allegations against the petitioner are on the face of it absurd and highly improbable. The petitioner has already joined the investigation.

3. Learned APP for the State on instructions submits that the petitioner has already joined the investigation. The allegations against the petitioner

BAIL APPLN. 1131/2016

Page 1 of 3

are serious in nature, thus no anticipatory bail be granted to him.

4. The allegations in the FIR by the prosecutrix are that the father has spent ₹15 lakhs in the marriage and gave jewellery, clothes, household items, furniture, TV, Fridge, Washing Machine and a Motorcycle. However, still her husband Sunil and her in-laws including the present petitioner were not satisfied and used to taunt her for coming from a poor family and not bringing a car. They raised a demand of Honda City car from her and a sum of ₹10 lakhs. It is the allegation against the petitioner that on 11th June, 2012 when the complainant's husband was not at home the petitioner forcibly raped her.

5. Despite the allegations being that that the complainant was raped by the petitioner on 11th June, 2012 and on the same day she left the matrimonial home, the above noted FIR was registered on 16th May, 2016, after a period of four years. The complainant also refused to undergo any medical examination.

6. Considering the facts and circumstances of the case, and that there is no apprehension that the petitioner will flee away from justice and he has already joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 10, 2016
‘vn’