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

+ **BAIL APPLN. 1231/2016**

TARUN

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Adv. with
Mr. Nawab Singh Jaglan, Adv.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Uma Dutt, PS Mangol Puri.
Mr. Arun Shrivastava, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.08.2016

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.597/2016 under Sections 376/323/506 IPC registered at PS Mangol Puri on the complaint of sister-in-law of the petitioner.
2. Learned counsel for the petitioner submits that the brother of petitioner and the complainant were married on 4th February, 2014 and she left the matrimonial home in June, 2015. The marriage of the petitioner was fixed on 26th April, 2016. In order to frustrate the marriage and ensure that her demands are met with, the complainant lodged the above-noted FIR on 24th April, 2016 though she left the matrimonial home in June, 2015 alleging the incident of 5th May, 2015. He further submits that he has placed on record number of transcripts which show that even after going to her parental home, she was desirous of having a separate matrimonial home

with her husband and there was no allegation whatsoever regarding the rape committed by the petitioner.

3. As per the FIR, the complainant alleged that she was married to brother of the petitioner on 4th February, 2014, however she was taunted for dowry by her in-laws including the petitioner. She alleged that on 5th May, 2015 after finishing her work, when she was in her room, the petitioner entered and committed rape on her. It is evident that despite the alleged incident having taken place on 5th May, 2016 and the complainant leaving the matrimonial home in June 2015, the above noted FIR was lodged on 24th April, 2016. On 21st April, 2016 also the complainant and her family members visited home of the petitioner where a quarrel took place when PCR calls were made by both the parties and even at that time, there was no allegation of rape levelled against the petitioner.

4. Considering the above-noted facts and that the petitioner has already join the investigation and there is no likelihood of his absconding, I deem it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25000/- with one surety of the like amount to the satisfaction of Arresting Officer/SHO concerned and further subject to the condition that the petitioner 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.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

AUGUST 29, 2016/v mittal