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

+ **BAIL APPLN. 1912/2016 & CrI.M.A.14622/2016**

DEV RAJ CHAUHAN

..... Petitioner

Through : Mr. Vikas Jain and Mr. Girish Gupta,
Advs.

versus

STATE

..... Respondent

Through : Mr. M. P. Singh, APP with
W/Inspector Saroj Bala, PS
Ambedkar Nagar and SI Rajesh
Kumar Verma PS C. R. Park.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.09.2016

Learned counsel for petitioner submits that on the complaint of prosecutrix, FIR No.261/2015 under Sections 354(A)/506 IPC was registered at police station Chitranjan Park, New Delhi on 30th July, 2015. Petitioner was released on bail. No allegation constituting rape, within the meaning of section 376 IPC, were levelled, thus, FIR was registered under Sections 354(A)/506 IPC. After about one year, Investigating Officer has added section 376 IPC, on the basis of an affidavit dated 27th February, 2016, received by the Investigating Officer on 10th May, 2016 wherein prosecutrix, as an afterthought has added that petitioner had inserted finger

in her private parts.

Learned additional public prosecutor has opposed grant of anticipatory bail to the petitioner. He has contended that statement of prosecutrix cannot be ignored at this stage, even though she has subsequently added this allegation of rape.

Keeping in mind the totality of circumstances, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety of the like amount to the satisfaction of Arresting Officer/Investigating Officer/SHO concerned.

Bail application is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 20, 2016/dk