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

+ **BAIL APPLN. 1984/2016**

NAGENDER

..... Petitioner

Through: **Mr. M.C. Premi, Anil Verma and
Arun Premi, Advocates**

versus

THE STATE NCT OF Delhi

..... Respondent

Through: **Ms. Radhika Kolluru, APP
Mr. Manoj Kumar, Adv. for R-2**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

26.09.2016

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Issue notice. Notice is accepted on behalf of the State. Counsel for the complainant is present and he has also been heard.

The present application has been preferred to seek anticipatory bail apprehending arrest in case FIR No.1348/2015 under Section 451/323/356/379/427/34 registered at PS Badli. The submission of learned counsel for the petitioner, firstly, is that the petitioner is ready and willing to join the investigation. It is submitted that the FIR came to be registered only to put pressure on the petitioner on account of the registration of FIR No.1057/2014 under Section 3(1)(za) of the SC&ST Act, and under Section 323/325/354/451/506/34 IPC against the complainant and other at the instance of the petitioner. The further submission is that the Trial Court while dismissing the bail application of the petitioner has proceeded on the basis that the petitioner has to return a gold chain of the wife of the

complainant. However, the petitioner has not admitted to have taken the gold chain of the complainant's wife, and the bail cannot be denied merely to recover the alleged gold chain.

Learned counsel for the petitioner further submits that the Trial Court has rejected the bail application on the ground of parity i.e. on the ground that the bail of the accused in the petitioner's complaint had been rejected. It is submitted that this is no ground for rejection of the bail application, since the case are to be examined on merits.

Learned APP submits that the petitioner should join the investigation in the matter.

The submission of counsel for the complainant is that the section under the SC & ST Act and section 354 as alleged by the petitioner in case FIR No.1057/2014 has already been dropped.

Be that as it may, in my view, since the petitioner is ready and willing to join the investigation, in the facts of the present case, the petitioner is entitled to protection. Accordingly, the petition is allowed. In case of his arrest, the petitioner shall be released on bail upon his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the arresting officer. This is subject to the condition that he shall join the investigation as and when called for.

The application stands disposed of. Dasti.

VIPIN SANGHI, J

SEPTEMBER 26, 2016

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