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

+ **BAIL APPLN. 1804/2015**

BALRAJ

..... Petitioner

Through : Mr.Nanak Chand Garg, Advocate.

versus

STATE

..... Respondent

Through : Mr.Tarang Srivastava, APP with SI
Vijay Pal.

Mr.S.N.Parashar, Advocate for the
Complainant along with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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23.02.2016

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.449/2015 registered under Sections 365/354/376/511/498A/323/34 IPC at PS Kanjhawala. 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 16.09.2015, the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has joined the investigation since then. The petitioner is the brother-in-law of the complainant / victim. Earlier, the FIR was lodged under Section 365 IPC only on

25.06.2015 on the complaint of victim's father Ram Kumar. No allegations of rape or attempt to rape were made against the petitioner - Balraj by the prosecutrix at the time. Subsequently, in her 164 Cr.P.C. statement, she levelled allegations of attempt to commit rape by her brother-in-law Chand. It is informed that Chand has been granted anticipatory bail by the Sessions Court on 21.08.2015. It is further informed that out of nine accused persons seven have already been granted anticipatory bail.

3. 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.

4. The bail application stands disposed of.

S.P.GARG, J

FEBRUARY 23, 2016 / tr