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

+ **BAIL APPLN. 152/2016 & CRL.M.B. 132/16**

PRAKASH CHANDER Petitioner

Through : Mr.Pankaj K.Verma, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through : Ms.Manjeet Arya, APP with SI
Naresh Kumar, PS Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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03.02.2017

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.1500/2015 registered under Sections 376/406/506 IPC at PS Uttam Nagar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. By an order dated 22.01.2016, 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.

3. The complainant was given an opportunity to file response to the bail application which she did not avail. None has appeared on behalf of the complainant today to contest bail.

4. The prosecutrix was married to the petitioner on 05.02.2001. Two children were born out of this wedlock. It is alleged that the petitioner obtained ex-parte decree of divorce dated 23.04.2005 by fraud. She was not informed about the decree of divorce and continued to reside with him till July, 2013. Since she was not legally wedded wife of the petitioner after his obtaining decree of divorce, physical relations established with her attracted Section 376 IPC.
5. 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.
6. The bail application stands disposed of. Pending application also stands disposed of.

S.P.GARG, J.

FEBRUARY 03, 2017 / tr