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

+ **BAIL APPLN. 255/2017**

CHANDAN @ RAHUL Petitioner

Through: **Mr.Bhavesh Kr. Sharma, Adv.**

versus

STATE OF NCT OF DELHI Respondent

Through: **Ms.Kusum Dhalla, APP for State**
SI Rajnisha, PS-Prashant Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% 02.05.2017

This is an application under Section 438 Cr.P.C. filed on behalf of the petitioner for grant of anticipatory bail in case FIR No.886/2016, under Sections 376/506 IPC, registered at Police Station-Prashant Vihar, Delhi.

Counsel for the petitioner has submitted that the petitioner is apprehending his arrest from Police Station-Prashant Vihar in case FIR No.886/2016, under Sections 376/506 IPC. Counsel for the petitioner further submits that the prosecutrix is a major and is of 19 years and is a consenting party. He further submits that the prosecutrix refused to undergo internal examination which shows that the allegations alleged in the FIR are false and baseless. He has further submitted that there is delay in registration of FIR as the alleged incident took place on 23.12.2016 and the FIR was registered on 31.12.2016. He further submits that the petitioner is ready to join the investigation as and when directed to do so and prays that the

petitioner be granted anticipatory bail.

Learned APP for the State opposes the grant of anticipatory bail to the petitioner. Learned APP, however, on instructions from the IO submits that the petitioner has joined investigation.

Considering the facts and circumstances since the prosecutrix refused to take internal examination and the prosecutrix is a major, the possibility of consent cannot be ruled out. In these circumstances, the petitioner is directed to join the investigation and in the event of his arrest, the petitioner shall be released on bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Investigating Officer/SHO with the condition that he shall not influence the prosecution witnesses; he shall not contact, threaten or coerce the victim or any of her family members or to indulge in any illegal activities; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

The present application is allowed and disposed of accordingly. However, this order shall not affect the merit of the case.

All pending application(s) (if any) also stand disposed of.

Copy of the order be given *dasti*, as prayed.

I.S.MEHTA, J

MAY 02, 2017/radhika