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

+ **BAIL APPLN. 320/2017**

BHUPENDER SINGH

..... Petitioner

Through: Mr. Amit Kuma Arjariya, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

22.02.2017

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Crl. M.A. No. 3152/2017

Exemption allowed, subject to all just exceptions. The application stands disposed of.

BAIL APPLN. 320/2017

Issue notice. Notice is accepted on behalf of the State. The petitioner has preferred the present bail application u/s 438 Cr PC to seek anticipatory bail in case FIR 89/2016 u/s 376 IPC registered at PS Sunlight Colony. The submission of counsel for the petitioner is that the petitioner and the prosecutrix were in a relationship and the physical relations established between them were consensual. In this regard, he has sought to place reliance on the several communications exchanged between him and the prosecutrix over the mobile application whatsapp.

A perusal of the order dated 06.01.2017 whereby the anticipatory bail application has been rejected by the learned ASJ shows that the petitioner has been declared as a proclaimed offender on 22.11.2016. The petitioner has not joined the investigation. Taking into account the judgment of the Supreme Court in *State of Madhya Pradesh v. Pradeep Sharma*, (2014) 2 SCC 171, the anticipatory bail application of the petitioner was dismissed by the learned ASJ.

A perusal of the FIR shows that the allegations against the petitioner also are that he has uploaded objectionable photos and videos of the prosecutrix to defame her. The conduct of the petitioner including his conduct of not joining the investigation and being on the run does not entitle him to any relief from this court in these proceedings.

Dismissed.

VIPIN SANGHI, J

FEBRUARY 22, 2017

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