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

+ **BAIL APPLN. 357/2017**

MOHD KASIF @ SONU

..... Petitioner

Represented by: Mr. Kanish, proxy Adv.

versus

STATE NCT OF DELHI

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Rani Jassal PS Sultan Puri.
Mr. M.A. Rahman, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.04.2017

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 491/2016 under Section 377 IPC registered at PS Sultanpuri on the complaint of the wife of the petitioner.

2. Earlier a dispute arose between the petitioner and his wife when a petition under Section 12 of the Protection of Women from Domestic Violence Act (in short the PWDV Act) was preferred by the complainant wherein the parties resolved their differences vide settlement agreement dated 19th March, 2016 arrived at before the Delhi Mediation Centre, Rohini District Courts. As per the settlement the petitioner and his wife started

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living together in a separate rented accommodation from 30th May, 2016. In terms of the settlement, petitioner was to pay a sum of ₹1000/- to the complainant towards personal expenses till she resided in her parental home and thereafter maintain her and the minor child to the best of his ability.

3. The above-noted FIR was registered on the complaint of the wife of the petitioner given on 20th August, 2016 wherein she alleged that on 8th July, 2016 the petitioner committed unnatural sex with her and she made a call at 100 number. On scrutiny of record it was found out that no PCR call was received on 8th July, 2016 rather a call was made by the complainant on 8th June, 2016 recorded vide DD No.92B wherein she alleged only quarrel on a petty issue between her and her husband. She stated that her husband extracted money and articles from her and thus a quarrel took place. No allegations of unnatural sex were levelled as per DD No.92B.

4. Considering the fact that there was a previous dispute between the parties where after settlement was arrived at before the Delhi Mediation Centre, the complaint was got registered belatedly and the petitioner is no more required for investigation as a charge-sheet has been filed keeping him in column No.12, this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned/ learned Trial Court, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned and in case of change of address the same will be intimated to the learned Trial Court by

way of an affidavit.

5. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 17, 2017
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