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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 370/2017**
MAHENDER SINGH

..... Petitioner

Through: Mr.Mukul Gupta, Sr. Advocate with
Ms.Harneet Kaur, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
with Insp. Avinash Tyagi, P.S.
Shahbad Dairy, Delhi.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
30.08.2017

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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.785/2016, under Sections 328/376/384/411/34 IPC, registered at Police Station Shahbad Dairy, Delhi.

Learned senior counsel appearing for the petitioner has submitted that the petitioner is an innocent person and no case under Section 376 IPC is made out and there is no medical evidence to attract the provisions of Section 328 IPC. Learned senior counsel further submitted that the victim is stated to be 22 years old and is a major and if at all any allegation of rape subsists, the possibility of consent cannot be ruled out. He further submitted that the petitioner has already joined the investigation and further submitted

that the petitioner is further ready to join the investigation and prays that the petitioner may be released on anticipatory bail.

Status report has been filed by the State and learned APP for the State has vehemently opposed the bail application. Learned APP, however, on instruction submits that there is no medical evidence in this case.

In these circumstances, since there is no medical evidence to substantiate the allegations and the contents of the FIR does not specifically disclose the manner of rape committed on the person of the victim, I admit the petitioner on anticipatory 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 IO/SHO concerned with the condition that the petitioner shall not tamper with the prosecution evidence and he shall not leave the country without prior permission of the Court below.

The application is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

AUGUST 30, 2017

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