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

+ **BAIL APPLN. 447/2017**

NITISH MALHAN

..... Petitioner

Through: Mr.Anil Kumar Sharma, Adv. with
Mr.Apoorav Kumar Sharma and
Mr.Anuj Sharma, Adv.

versus

STATE

..... Respondent

Through: Mr.G.M.Farooqui, APP for State
SI Manju Devi, PS-KNK Marg

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **10.03.2017**

CRL.M.A.4189/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 447/2017

This is an application filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.711/2015, under Sections 406/498-A/328/377/509/34 IPC registered at Police Station-K.N.Katju Marg.

Counsel for the petitioner has submitted that the petitioner is apprehending his arrest from Police Station- K.N.Katju Marg in case FIR No. 711/2015, under Sections 406/498-A/328/377/509/34 IPC. Counsel for the petitioner has further submitted that the instant dispute has arisen out of matrimonial discord and the petitioner is brother-in-law of the complainant.

He has further submitted that the complainant is the wife of Mr.Nitin Malhan who is the brother of the present petitioner. He has further submitted that the petitioner is not required for further investigation of the case as charge sheet qua against the petitioner has already been filed. He has further submitted that the main accused Mr.Nitin Malhan has already been granted anticipatory bail on 10th August, 2015 by the Court of Sh. Manu Rai Sethi, ASJ/Special Judge (NDPS), Rohini Delhi. He has further submitted that the petitioner has clean antecedents and prays that the petitioner be granted anticipatory bail.

Learned APP has vehemently opposed the application. On instructions from the Investigating Officer, learned APP submits that charge sheet qua against the present petitioner has already been filed.

Keeping in view the facts and circumstances since charge sheet has already been filed qua against the present petitioner before the Court below and petitioner is not required for further investigation of the case and the main accused Mr.Nitin Malhan has already been granted anticipatory bail, in these circumstances, in the event of arrest, the petitioner be released on anticipatory bail in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of IO/SHO concerned with the condition that the petitioner shall not influence the prosecution witnesses; the petitioner shall not tamper the prosecution evidence and the petitioner should not leave India without prior permission of the Court below.

The present bail application is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MARCH 10, 2017/radhika