

\$~10

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

+ BAIL APPLN. 464/2017

HUSSAIN MUKADAM

..... Petitioner

Through Mr.Rajat Wadhwa, Mr.Karant Preet
Singh and Mr.Himanshu Nailwal,
Adv.

versus

STATE

..... Respondent

Through Mr.M.S. Oberoi, APP with SI Rekha,
PS Mayur Vihar.
Mr.Rajendra Kumar Singh, Adv. for
the complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **16.03.2017**

Crl.M.A. 4371/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 464/2017

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.76/2016, under Sections 498A/406/34 IPC, Police Station Mayur Vihar.

During the course of arguments, it has been submitted that a notice under Section 41(A) of the Cr.P.C. was issued to the accused to join the investigation on 14.03.2017 but he did not appear. Counsel for the petitioner has submitted that the accused did not appear as he was having apprehension of arrest.

It has been submitted by the Investigating Officer that the accused is required for the purpose of joining the investigation and that is the reason, notice under Section 41(A) of the Cr.P.C. was issued to him and no permission to arrest has been sought from the ACP.

It has been submitted by the counsel for the petitioner that the accused will join the investigation on issuance of notice as and when required. Under these circumstances, counsel for the petitioner does not want to press the present bail application.

Consequently, on the request of the counsel for the petitioner, the present bail application is dismissed as withdrawn.

P.S.TEJI, J

MARCH 16, 2017
dd