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

+ **BAIL APPLN. 476/2017**

SURAJ

..... Petitioner

Through : Mr.Sunil Mittal, Sr.Advocate, with
Ms.Maldeep Sidhu and Mr.Dhruv
Grover, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Ms.Manjeet Arya, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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21.04.2017

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.41/2017 under Sections 376D/506 IPC at Police Station Madhu Vihar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner is in custody since 28.1.2017. The petitioner and the prosecutrix were acquainted with each other prior to the incident. It is alleged that in the first week of November, 2016, the victim's husband has called his two friends, namely, Suraj and Kaushal for dinner. After taking meals, all of them had cold drink. The victim felt uncomfortable and became unconscious. When she regained consciousness, she found that Kaushal had committed wrong

act with her. She tried to push him but her husband Sabir and accused Suraj caught hold of her and thereafter Suraj committed rape upon her. Her husband Sabir threatened to kill Danish and she did not report the incident. Again on 15.11.2016 in similar circumstances, rape was committed upon her by all of them. Apparently, there is delay in lodging the FIR. One Jayanti Prasad implicated in this case was granted bail as the prosecutrix did not identify him.

3. Considering above facts and circumstances, the petitioner is admitted to bail on his furnishing personal bond in the sum of ₹50,000/-with one surety in the like amount to the satisfaction of the Trial Court.

4. The application stands disposed of.

5. Order *dasti*.

S.P.GARG, J.

APRIL 21, 2017 / sa