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

+ **BAIL APPLN. 1807/2016**

SACHIN KUMAR

..... Petitioner

Through : Mr.Navneet Sharma, Advocate with
Mr.Akhil Deshwal, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through : Ms.Manjeet Arya, APP.
Ms.Sudipto Sircar, Advocate for the
Complainant along with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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18.04.2017

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.304/2016 registered under Section 377 IPC at PS GTB Enclave. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. By an order dated 05.09.2016, the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has joined the investigation since then.

3. It is informed that the marriage between the petitioner and the complainant was solemnized on 01.01.2016 at Arya Samaj Mandir, Tejelhera, Muzafarnagar (U.P.). They both lived together thereafter

BAIL APPLN. 1807/2016

page 1 of 2

at Ghaziabad and Baghpat. It is further informed that on 29.03.2016, the petitioner came to know that the complainant was earlier married to one Yogesh Malik. He thereafter filed a complaint case against both of them in the Court at Baghpat (U.P.). Petition under Section 11 of Hindu Marriage Act was also filed before Principal Judge, Family Courts, Baghpat. On 11.06.2016, the complainant lodged an FIR 850/2016 under Section 376 IPC at PS Sahibabad (U.P.). Writ petition bearing No.14847/2016 was filed by the petitioner for quashing of the said FIR. Matter was referred to Mediation Centre observing that the dispute primarily was a matrimonial one. It is informed that on 28.07.2016 the matter was amicably settled and both of them started living together as husband and wife. Subsequently, on 03.08.2016 again, this FIR was lodged by the complainant.

4. Considering the above facts and circumstances, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

5. The bail application stands disposed of.

S.P.GARG, J.

APRIL 18, 2017 / tr