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

+ **BAIL APPLN. 1073/2017**

DIWAN CHAND NAGAR Petitioner

Through: Mr. Vikas Verma, Adv.

versus

STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Akshai Malik, APP for the State
Mr. P.K. Singh, Adv. for complainant
along with complainant in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.05.2017

Crl.M.A.9566/2017 (exemption)

Exemption allowed, subject to all just exceptions.

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Issue notice.

Mr. Akshai Malik, Additional Public Prosecutor for the State accepts notice.

The petitioner is father of Jitesh Nagar, with whom the first informant was married on 28.01.2016. Jitesh Nagar was arrested during investigation and has since been released on regular bail by the court of sessions by order dated 05.05.2017. The petitioner had approached the court of sessions for release on anticipatory bail which was declined by order dated 22.05.2017 primarily accepting the submissions of the Public Prosecutor that the allegations in the FIR against him are serious and there are chances that he would not cooperate in the investigation and would instead flee from justice. Such observations obviously were unfounded as by earlier order dated

06.05.2017 on the said very bail application (No.1351/2017) interim protection against arrest was granted with direction to the petitioner to join investigation as and when required. The investigating officer present in person confirms that the petitioner had duly complied with the said order and had joined investigation.

As regards the seriousness of the allegations, there is no doubt the complainant has alleged that the petitioner, her father-in-law, had forced him himself upon her in the matrimonial home during her stay in the matrimonial home, but it is fairly conceded that the complainant had left the matrimonial home in March, 2016 after Holi festival of that year, the allegations made for the first time one year thereafter, i.e., on 05.03.2017 by the FIR at hand.

In the facts and circumstances, the petitioner deserves protection. Therefore, the application is allowed. In the facts and circumstances set out above, case for release on bail is made out. Granted accordingly. It is directed that in the event of he being arrested the petitioner shall be released on bail on he furnishing personal bonds in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the arresting officer subject to the conditions that he shall continue cooperating with the investigation and join the same as and when called upon to do so and shall not come in contact with or try to influence any of the witnesses connected to the case.

It is made clear that this order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

MAY 30, 2017/vk
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