

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

9

+

BAIL APPLN. 1131/2017

RAJESH NAGAR

..... Petitioner

Through: Mr Vikas Verma, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms Manjeet Arya, APP for the State
along with WSI Neeraj Police Station K.N.K.
Marg, Delhi

CORAM: JUSTICE S.MURALIDHAR

ORDER

%

12.06.2017

Crl. MA 9930/2017 (exemption)

Allowed, subject to all just exceptions.

BAIL APPLN. 1131/2017

1.This is an application under Section 438 Code of Criminal Procedure (Cr PC) moved by the Petitioner Rajesh Nagar for grant of anticipatory bail. He is the uncle-in-law of the complainant.

2.In this case, the FIR was registered on 12th March, 2017, copy of which has been enclosed with the bail application.

3.The Court would not, at this stage, go into the details except to note that there are very serious allegations against the Petitioner about having entering the room of the complainant and committing rape along with his brother, who is father in law of the complainant.

4.The main ground on which the Petitioner is seeking anticipatory bail is that this Court by its order dated 30th May, 2017 passed in Bail Appln. No.1073/2017 granted anticipatory bail to the co-accused Diwan Chand Nagar, who is the brother of the Petitioner herein. It is urged that the allegations against the Petitioner as well as Diwan Chand Nagar are identical.

5.The Court is not persuaded by the above submissions. The fact is that the ground for grant of anticipatory bail in the case of Diwan Chand Nagar, father-in-law of the complainant was that he had joined investigations. In the present case, however, the Petitioner has not joined investigation at any stage. Further Diwan Chand Nagar is aged about 62 years whereas the present Petitioner is aged about 44 years.

6. Another submission urged by learned counsel for the Petitioner is that the case was registered nearly one year after the complainant left her matrimonial home. Considering the nature of the allegations, the delay in lodging the FIR by itself cannot be a ground for grant of anticipatory bail.

7. The Court, therefore, is not satisfied that the Petitioner has made out any case at this stage for grant of anticipatory bail keeping in view the seriousness of allegations against him. The anticipatory bail application is, accordingly, dismissed.

S.MURALIDHAR
(VACATION JUDGE)

JUNE 12, 2017/rd
BAIL APPLN. 1131/2017