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

+ **BAIL APPLN. 1727/2017**

DEVENDER KUMAR

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Adv,
Mr. Rinku Kr. Garg, Mr. Bharat
Sharma, Mr. Nawab Singh and
Mr. Rajeev Ranjan Roy, Advs.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Hiren Sharma, APP for State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.12.2017

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By this petition, the petitioner seeks anticipatory bail in FIR No. 468/2017 under Sections 376/506 IPC registered at P.S. Mehrauli, New Delhi.

In the above FIR it is stated that the complainant stated that she was aged about 20 years and her father had passed away four years ago and she has been working as maid in the apartments for 10 years. On 14th April, 2017 at about 9.00 am while she was cleaning the room, Jitender Bhardwaj, which was later to be revealed to be the petitioner caught hold of her hand, dragged her inside and raped her. When she tried to cry he threatened her to kill.

In the statement recorded u/S 164 of Cr.P.C the prosecutrix stated that the version made in the FIR was not correct and no such incident took place

BAIL APPLN. 1727/2017

Page 1 of 2

and after some time the second statement was recorded where she did not support the prosecution version. The prosecutrix got pregnant however, when the miscarriage took place she did not get conducted the medical examination/FSL examination of the foetus which would have ascertained the paternity of the foetus.

Considering the vacillating stand of the prosecutrix and that the petitioner has already joined the investigation, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety to the like amount subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

DECEMBER 01, 2017

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