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

+ **BAIL APPLN. 1866/2017**

SATISH KUMAR AGGARWAL Petitioner

Through: Mr. Sumit Choudhary, Advocate.

versus

STATE (GOVT OF NCT DELHI) Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **26.10.2017**

The present application has been filed under Section 438 Cr.PC for seeking anticipatory bail in case FIR No. 1355/2014 under Section 376 IPC registered at Police Station – Begum Pur.

Notice was issued to the prosecution.

Learned APP for the State submits that present application has become infructuous as the chargesheet has been filed in the instant matter.

On the other hand, learned counsel for the petitioner has placed reliance on *Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors.* reported in **2011 [1] JCC 1** and has drawn the attention of this Court to Para 102 of the judgment which reads as under:

“102. *The order granting anticipatory bail for a limited duration and thereafter directing the accused to surrender and apply before a regular bail is contrary to the legislative intention and the judgment of the Constitution Bench in **Sibbia’s** case (supra)*

I heard the learned counsel for the parties and perused the record.

The instant application was listed on 18.09.2017 and a notice was issued to the State and an interim protection was granted to the petitioner with a direction not to take any coercive steps against the petitioner till the next date of hearing. As far as the judgment relied upon by the learned counsel for the petitioner is concerned, I am of the view that the same does not apply to the present case as the petitioner was granted only an interim protection till the next date of hearing and prosecution was to file status report which has not yet been filed. The present application is yet to be heard on merits.

With above observations, the present application is dismissed having been rendered infructuous.

Application stands disposed of.

SANGITA DHINGRA SEHGAL, J

OCTOBER 26, 2017
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