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

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Judgment delivered on:08.10.2018

+ BAIL APPLN. 353/2017

HARI OM

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioners : Mr. Akhilesh Pradhan, Advocate

For the Respondents: Ms. Neelam Sharma, APP for the
State with SI Prem Raj

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
08.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 617/2016 under Sections 376/506 of the IPC registered at Police Station Vijay Vihar, New Delhi.

2. The allegations in the FIR are that the petitioner who is son of the mother's brother of the prosecutrix used to misbehave with her. In December, 2015 when her husband was not at home he is alleged to have entered the house, misbehaved with her and thereafter committed

the offence of rape on her. Thereafter he is alleged to have again misbehaved with her on 05.07.2016 and 15.07.2016. However, there was no allegation of committing any offence under section 376 afresh on those dates.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and the subject FIR is an offshoot of property dispute pending between the families. He further submits that there is unexplained substantial delay of about 8 months in making of the complaint to the police. He further submits that there was substantial improvement in the statement recorded under Section 164 Cr. P.C. from the allegations made in the FIR.

4. Learned Addl. PP further submits that the chargesheet has been filed without arrest.

5. Petitioner was granted interim protection by order dated 28.02.2017 subject to joining investigation.

6. Learned Addl. PP, under instructions, submits that the petitioner did join the investigation and investigation has been concluded and chargesheet has been filed without arrest.

7. Learned Addl. PP submits that since the chargesheet has been filed, the petitioner should apply for grant of regular bail.

8. Learned counsel for the petitioner submits that the petitioner is

willing to apply for regular bail and prays that till the time bail application is considered and dispose of, interim protection granted to the petitioner be continued.

9. In view of the above, the petitioner is directed to file an application with the trial court for grant of regular bail within two weeks. Subject to petitioner filing the application for grant of regular bail within two weeks, interim protection granted by order dated 28.02.2017 to continue till the disposal of the said application.

10. The petition is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master.

OCTOBER 08, 2018
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SANJEEV SACHDEVA, J