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

+ **BAIL APPLN. 471/2017**

MOHD RAJA

..... Petitioner

Through: Mr. R.M. Tufail with Mr. Farooq
Chaudhary & Ms. Astha, Advocates.

versus

STATE

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
SI Sunil Kumar, P.S. Govind Puri
Mr. Neeraj Sinha, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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13.07.2018

The petition at hand was filed under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) by the petitioner seeking anticipatory bail in context of FIR No.766/2016 involving offences punishable under Sections 376/354/498A/406/506/509/34 IPC of Police Station Govind Puri.

By order dated 30.03.2017, the learned single Judge, then in *seisin* of the matter, had directed the petitioner to join investigation on the date specified with further instruction that the mobile phone instruments of the petitioner's father would be surrendered and in the event he complying with the said condition, he not to be arrested till 25.07.2017 with further conditions that he would not tamper with any evidence, nor seek to influence or coerce either the prosecutrix or any of the other probable witnesses in the case and the amount of Rs.3 lakh, as had been offered by the petitioner,

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to be paid to the prosecutrix in the presence of the Investigating Officer within a week.

On 25.07.2017, the Investigating Officer had informed the court that the petitioner has joined the investigation and mobile phone instrument had been seized and sent to Forensic Science Laboratory (FSL). The interim order was extended till 29.11.2017.

On 29.11.2017, it was indicated that the report of the FSL was still awaited but the report under Section 173 of the CrPC had already been submitted and the forensic report as and when received would be filed. The interim order was extended till 05.02.2018 with further direction that the petitioner would not leave the country without the permission of the court. Though allegations were made on behalf of the complainant that on 25.07.2017 the petitioner had extended threats to the complainant, a status report of the investigation carried out thereinto, if any, was directed to be filed.

On 05.02.2018 it was reported that the FSL report had been received. Directions were given that the copies be supplied to the petitioner and the complainant and the matter was adjourned to 21.03.2018 and for the interim order to continue.

On 21.03.2018 the learned single Judge, then in *seisin* of the matter, deemed it necessary to call for the statement under Section 164 of the CrPC and the matter was directed to be renotified and interim order extended till 21.05.2018. On 21.05.2018 and 31.05.2018 the matter was not heard and

simply renotified with interim orders to continue till date.

The learned Additional Public Prosecutor informs that the court of Sessions has already taken cognizance on the charge sheet whereupon the petitioner was summoned and after compliance with Section 207 CrPC, the case was committed to the court of Sessions, it now being at the stage of consideration of charge.

The learned counsel for the petitioner, on being asked, confirmed that all the other three accused persons facing the sessions trial are on regular bail, the petitioner not having been applied for regular bail, in view of these proceedings, protection against arrest having continued till date.

Having regard to the above said progress that has been made in the criminal case to which the present petition relates, it is proper that the petitioner also applies for regular bail before the jurisdictional Court. The proceedings on the application for anticipatory bail cannot be allowed to linger in the manner they have been pending before this court after the charge sheet had been filed.

Thus, extending the protection granted by the earlier orders for a period of two weeks from today, to facilitate the petitioner moving the appropriate court for regular bail, these proceedings are closed.

Dasti.

R.K.GAUBA, J

JULY 13, 2018

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