

\$~6

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

% Judgment delivered on: 11.10.2018

+ BAIL APPLN. 1729/2017

SUBHASH KUMAR @ SEHDEV Petitioner

versus

STATE Respondent

Advocates who appeared in this case:

For the Petitioners : Mr. Kamlesh Mahajan, Advocate.

For the Respondents : Mr. Panna Lal Sharma, APP for the State.
Mr. Shiv Gupta with Mr. Jalaj Agarwal, Mr. Z.U.
Islam and Mr. Atul Agarwal, Advocates for the
complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.188/2017 under Sections 420/376/495 IPC, Police Station Mansarovar Park.

2. The allegations in the FIR against the petitioner are that the petitioner, who was already married, without disclosing the factum of his marriage, contracted the second marriage with the prosecutrix and thereafter misled her into cohabiting with the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that no offence under Section 376 IPC is made out and at best an offence under Sections 494/495 IPC is made out.

4. Petitioner was granted interim protection by order dated 31.08.2017 subject to the petitioner joining investigation.

5. Learned APP for the State confirms that the petitioner did join investigation whenever was so required by the Investigating Officer. He submits that the investigation is nearly complete and chargesheet is in the process of being filed in Court.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case and on perusal of the record, I am satisfied that the petitioner has been able to make out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the investigation or the prosecution witnesses. Petitioner shall not contact the prosecutrix or her family. Petitioner shall not leave the country without the permission of the Trial Court.

8. The Petition is disposed of in the above terms.

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

OCTOBER 11, 2018
st

SANJEEV SACHDEVA, J