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

+ **BAIL APPLN. 1826/2017**

DEEPAK

..... Petitioner

Through: Mr. Ajay Kr., Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with SI Prem Kumar, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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14.12.2018

Crl.M.A. 49567/2018 (for restoration)

There was some confusion in the date fixed, by order dated 09.07.2018 inasmuch as the status on the website would show 27.11.2018 whereas in the proceedings it came to be fixed for 22.11.2018 on which date due to non-appearance, the petition was dismissed in default.

In this view, the application is allowed. The bail application is restored to its original number.

BAIL APPLN. 1826/2017

The counsel for the petitioner has placed before this court, copy of the judgment dated 15.10.2018 of the Principal Judge, Family Court for District East whereby on his petition, the decree of divorce had been granted on the ground of cruelty. He also placed before the court a copy of the judgment

dated 31.10.2018 of the Metropolitan Magistrate whereby the petition (CC No. 473106/2016) of the complainant under Section 12 of Protection of Women from Domestic Violence Act, 2005 was dismissed.

In the facts and circumstances, as brought out through the status report, which was submitted earlier, a case for anticipatory bail is made out. The petition is allowed.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

DECEMBER 14, 2018

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