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

% Judgment delivered on: 11.01.2019

+ BAIL APPLN. 59/2019

NAGINA

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Kumar Vikram, Advocate.

For the Respondent : Ms. Meenakshi Dahiya, APP for the
State with SI Praveen Kumar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.01.2019

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.499/2019 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 59/2019

1. Petitioner seeks anticipatory bail in FIR No.129/2018 under Sections 498A/304B/34 IPC, Police Station Ranhola.
2. Issue Notice. Notice accepted by Learned APP for the state. With consent of parties petition is taken up for disposal.
3. Learned counsel for the petitioner points out that by order dated

17.12.2018, petitioner was granted liberty to approach the Trial Court to seek recall of proceedings under Section 82 Cr.P.C. He points out that the protection was granted to the petitioner till the disposal of such application.

4. Learned counsel for the petitioner submits that the application has been filed and the same has been fixed for further proceeding on 15.01.2019. He submits that the said application is pending before the Court of Metropolitan Magistrate and in view of the sections of IPC involved, the Metropolitan Magistrate is not competent to grant bail to the petitioner and there is an apprehension that if the application seeking recall of proceedings under Section 82 Cr.P.C is dismissed, the petitioner may be taken in custody.

5. Keeping in view of the facts and circumstances of the case, it is directed that, in case the application of the petitioner seeking recall of proceedings under Section 82 Cr.P.C, is dismissed, the interim protection granted to the petitioner by order dated 17.12.2018 in Bail Appln.2984/2018, shall enure to the benefit of the petitioner for a period of one week thereafter.

6. Petition is disposed of in the above terms.

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

JANUARY 11, 2019/st

SANJEEV SACHDEVA, J