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

+ **BAIL APPLN. 748/2019**

MUNISH

..... Petitioner

Through: Mr. Sumit Choudhary, Advocate with
Ms. Aakanksha Bansal, Adv.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, APP for the
State with WASI Sudesh Kumr, PS
Mundka.

+ **BAIL APPLN. 755/2019**

VED PRAKASH

..... Petitioner

Through: Mr. Sumit Choudhary, Advocate with
Ms. Aakanksha Bansal, Adv.

versus

THE STATE (GOVT. OF NCT, DELHI)

..... Respondent

Through: Ms. Meenakshi Chauhan, APP for the
State with WASI Sudesh Kumr, PS
Mundka.

+ **BAIL APPLN. 769/2019**

NARAYAN

..... Petitioner

Through: Mr. Sumit Choudhary, Advocate with
Ms. Aakanksha Bansal, Adv.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, APP for the
State with WASI Sudesh Kumr, PS
Mundka.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
26.07.2019

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Apprehending arrest during investigation of first information report (FIR) No.395/2018 of Police Station Mundka involving allegations of commission of acts constituting offences under sections 376/377/498-A/406/506/34 of Indian Penal Code, 1860 (IPC), the petitioners have approached this court by these petitions seeking anticipatory bail invoking the jurisdiction of this court under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The third petitioner Narayan is the husband of the first informant Monu and the second petitioner Ved Prakash is the father of Narayan and, therefore, father-in-law of the first informant, the first petitioner Munish is elder brother of Narayan and, therefore, brother-in-law (*jeth*) to the first informant.

When these petitions came up for consideration on 28.03.2019, it was submitted that the parties had agreed to resolve the matrimonial dispute amicably. They were referred to Delhi High Court Mediation & Conciliation Centre which has reported that a settlement agreement has been executed on 21.05.2019 between the third petitioner Narayan and the first informant Monu agreeing to resolve their dispute amicably. The petitioners press for the relief in the nature of anticipatory bail on the basis of said settlement agreement. The first informant is also present in the court and submits through Additional Public Prosecutor her no objection.

While this court is inclined to grant the relief as is being prayed, it must be added here that since the case also involves accusations of offences

under sections 376/377 IPC, the grant of anticipatory bail will not be construed as endorsement of the settlement leading to move for quashing of the case to that extent, and for which the parties will have to take appropriate steps and the court which is called upon to adjudicate on a petition in that context will have to take appropriate call in accordance with law.

In the foregoing facts and circumstances, the petitions are allowed. It is directed that in the event of they being arrested, the petitioners shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they 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) They 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) They 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 their passports, if he holds one, with the said court.

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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 them by the court of cognizance.

All the petitions stand disposed of in above terms.

Dasti under the signatures of Court Master.



R.K. GAUBA, J.

JULY 26, 2019

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BAIL APPLN. 748/2019 etc.

Page 4 of 4