

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrI. Misc. No. M-5023 of 2015

Date of decision:18.05.2015

Indu Tiwari

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Navita Singh, J. (Oral)

This petition has been moved by Indu Tiwari under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No.415 dated 8.9.2014 registered under Sections 376/120-B, 498-A/506/323/328 IPC at Police Station Saraikhawaja, Faridabad.

Counsel for the petitioner submits that on 16.1.2015, prosecutrix Pinky had appeared before the trial Court but her statement was not recorded as she had stated that she was not well. She was bound down for the next date, i.e. 31.1.2015. It is submitted by counsel appearing for the prosecutrix that she is being threatened by the accused persons and she made a complaint regarding that to the Additional Sessions Judge, Faridabad and to the other authorities. The complaint of the prosecutrix is that she is being threatened by the accused persons for which reason, she is unable to appear in the Court and that her mother-in-law Indu Tiwari, present petitioner, should be arrested as she is threatening to do away with the complainant.

Counsel for the petitioner submits that there is inordinate delay in lodging the FIR and also there are allegations made against the petitioner that she had some relation with co-accused Madan Tiwari alleged to be a Tantrik. The case of the prosecution is that Madan Tiwari had committed rape on the prosecutrix with the help of the present petitioner.

It is mentioned in the FIR that when Pinky left the matrimonial home, her one and half year old child was kept by her in-laws. Even her parents abandoned her because of their image in society and she is now living in Umeed Shelter Home.

It is submitted by counsel for the prosecutrix that she is still in the Shelter Home.

Be that as it may, the delay in the FIR and other factors will not come into play at this stage. There is threat to the life of Pinky and she is not able to appear in the Court because of that. Granting of anticipatory bail in the circumstances to Indu Tiwari would not be in the interest of justice rather it will send a wrong message in the society. Even there is no ground for granting interim relief.

Dismissed.

18.05.2015
renu

(NAVITA SINGH)
JUDGE