

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

Date of Decision: January 27, 2015

+ BAIL APPLN. 155/2015 & Crl. M.A.No.1102/2015

VIJAY KUMARI Petitioner

Through: Mr. Vimal Puggal, Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State

+ BAIL APPLN. 167/2015 & Crl. M.A.No.1193/2015

NITIN VERMA Petitioner

Through: Mr. Vimal Puggal, Advocate

versus

THE STATE Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the above captioned two applications, petitioners seek pre-arrest bail in FIR No. 7/2015, under Sections 448/380/34 of the IPC, registered at police station Moti Nagar, New Delhi.

Petitioners are the mother and son who are accused of forcibly trespassing in the property of the complainant/ first-informant and of committing theft.

At the hearing, learned counsel for the petitioners submitted that petitioner- Vijay Kumari is a lady and petitioner- Nitin Verma is studying law and they were forcibly dispossessed from the premises in question and the dispute between the parties is a property dispute regarding which civil litigation is already pending. Attention of this Court was drawn to the photograph (*Annexure-F*) placed on record to point out that the allegations levelled against the petitioners are patently false and so, petitioners deserve concession of pre-arrest bail.

Upon hearing and on perusal of the FIR in question, material on record and the photograph (*Annexure-F*), I find that the allegations levelled against petitioners are of serious nature. During the course of hearing, nothing was brought to the notice of the court which could show that petitioners were forcibly dispossessed from the property in question. The complaint on 15th December, 2013 (*Annexure-C*) made by petitioners to the local police appears to be an afterthought. Considering the nature of allegations levelled against the petitioners and the role attributed, I do not find it to be a fit case for grant of pre-arrest bail.

Petitioners' applications are dismissed while refraining to comment upon the merits lest it may prejudice petitioners as and when they seek regular bail.

(SUNIL GAUR)
JUDGE

JANUARY 27, 2015

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