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

+ **BAIL APPLN. 253/2016**

VINISH SHARMA

..... Petitioner

Through: Mr. Neeraj Sharma and mr. Naveen
Sharma, Advocates.

versus

STATE

..... Respondent

Through: Mr. Hirein Sharma, APP for the State
with SI Neelam, PS Nangloi.
Mr. Jagdish G. Toor, Advocate for the
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.07.2016

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By the present petition the petitioner seeks anticipatory bail in case FIR No. 226/2015 under Sections 342/376/506/511 IPS registered at PS Nangloi, Delhi on the complaint of the sister-in-law of the petitioner.

Learned counsel for the petitioner submits that the prosecutrix was married to the elder brother of the petitioner. The elder brother committed suicide as their relations were sour. Thereafter there was proposal of the second marriage of the prosecutrix with the petitioner which he turned down. The grandmother of the petitioner filed a suit for permanent injunction before the learned Trial Court on 10th March, 2015 and as a counter blast the present FIR was lodged on 17th March, 2015 giving the date of alleged incident as 27th February, 2015. No complaint whatsoever

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was made on 27th February, 2015.

Learned APP for the State has taken me through the FIR and the status report. On instructions, he states that on 27th February, 2015 a PCR call was received when the brother of the complainant had gone to her matrimonial home to take her which was recorded vide DD No. 42A. On inquiry on the said date it was only a case of verbal altercation between the parties and thus the PCR call was filed. The present complaint on the basis of which the above noted FIR was registered was received on 17th March, 2015. He further submits that though investigation is in progress however, Sections 376/511 IPC have been dropped and now the investigation is being carried out under Sections 354/354B/506 IPC.

The complainant has alleged that on 27th February, 2015 there was verbal altercation followed by physical assault with her brother-in-law for which she had made a call to 100 number. In the FIR it is alleged that two-three months prior to the lodging of the FIR, on a Sunday night when the prosecutrix was sleeping with her kids her younger brother-in-law, that is, the petitioner entered her room and misbehaved with her. The prosecutrix abruptly woke up and protested.

Considering the allegations, the other disputes between the parties and the fact that the petitioner has already joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner will be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when

directed and will not leave the country prior permission of the learned Trial Court.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

JULY 25, 2016
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