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

+ BAIL APPLN. 255/2016

ABHISHEK PARMAR AND ANR

..... Petitioners

Through : Mr. R. K. Kapoor and Ms. Rekha
Giri, Advs.

versus

STATE OF NCT OF DELHI AND ORS

..... Respondents

Through : Counsel (Attendance slip not given)
with SI Balbir Singh, Div/SD.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **11.07.2016**

Petitioners are brother and father of husband of respondent no.2 (complainant). Respondent no.2 was married with the brother of petitioner no.1 and son of petitioner no.2 on 8th February, 2011. Respondent no.2 filed a complaint against her husband before the CAW cell in the month of December, 2011, which led to registration of an FIR under section 498-A/34 IPC. Husband of respondent no.2 was granted bail on 27th February, 2013 by the Learned Metropolitan Magistrate. After the investigation charge sheet was filed in the Court of Metropolitan Magistrate, Delhi.

On 10th February, 2014 respondent no.2 made a supplementary statement to the effect that at the time of marriage it was represented that her husband was a MBA; whereas he was only 12th class pass. After further

investigation a supplementary charge sheet was filed under section 420/468/471/120B IPC. However, the supplementary charge sheet was quashed by this Court vide order dated 3rd September, 2015 passed in Crl. M.C. No.3354/2015. In para 7 of the order, it has been observed that supplementary charge sheet was not tenable. Instead of filing supplementary charge sheet, a fresh FIR could have been registered. That is how the present FIR has been registered. Husband of respondent no.2 has already been granted regular bail by the concerned Metropolitan Magistrate.

Learned counsel for the petitioner submits that after four years of the marriage and during the pendency of the criminal case under section 498-A/34 IPC, respondent no.2 has come up with the story of her being deceived by the alleged misrepresentation regarding qualification of her husband. It is submitted that when the FIR was got registered in the year 2011, no such plea was taken. This plea is nothing but an after thought with a view to harass the family members.

Keeping in mind the totality of circumstances, it is ordered that in case of arrest, petitioners be released on bail, subject to their furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) each with one surety of the like amount each to the satisfaction of Investigating

Officer/Arresting Officer/Station House Officer concerned. Petitioners shall, however, cooperate in the investigation and appear before the Investigating Officer, as and when they are called upon to join the investigation.

Application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 11, 2016/dk