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

+ **BAIL APPLN. 399/2016**

SUNNY

.... Petitioner

Represented by: Mr. S.C. Singhal, Adv.
versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
W/SI Vineeta PS Subhash
Place.
Mr. Ravi Chawla, Adv. for R-
2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.11.2016

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1. By the present petition, the petitioner who is brother in law of the complainant seeks anticipatory bail in case FIR No.293/2015 under Sections 498A/406/376/506/34 IPC registered at PS Subhash Place.

2. In the FIR, the complainant alleged that she was married to brother of the petitioner on 19th April, 2014. Despite her parents spending beyond their capacity and fulfilling the demands of her in-laws within two days of her reaching the matrimonial home, her in-laws were not satisfied with the dowry given. Her mother-in-law took away her entire jewellery on the assurance that it will be provided when she required. She was mentally and physically harassed by her mother-in-law, father-in-law and brother-in-law. On the first day of marriage itself her husband came to the room in an intoxicated condition and taunted her for getting a motorcycle instead of a

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car and committed unnatural sex with her. He stated that he did not like her as he was having an affair with another girl. The parents-in-law were annoyed as they wanted to perform the marriage of their son in a rich family. On 24th April, 2014 her husband demanded Rs.2 lakhs in lieu of Maruti Car and on denial, gave her beatings by fists and blows. On 30th April, 2014 her parents-in-law turned her out of matrimonial home by giving beatings and stated that she should come only after bringing Rs.2 lakhs. She came back to the matrimonial home on 9th May, 2014 with her father. When the in-laws enquired whether she had brought Rs.2 lakhs, her father gave Rs.1 lakh and assured that balance amount will be paid later and requested not to beat his daughter. On 10th May, 2014 at night when she was watching TV, the petitioner came inside the room and molested her. When she raised alarm, he went away. She told her husband who stated that he will not do anything again and the petitioner asked for forgiveness. On 11th May, 2014 her husband stopped sleeping with her on the pretext that he would enter the room only after balance amount of Rs.1 lakh was brought. On 22nd May, 2014 at night when she was sleeping, the petitioner finding her lonely entered the room. He put his finger in her private parts. When she tried to raise alarm, he put his hands on her mouth and threatened to kill her. When on 23rd May, 2014, her husband came she informed these facts. Instead her husband beat her, locked her in a room and called up her father asking him to take her away from the matrimonial home. She was made to sign on blank stamp papers.

3. Even though the explanation of the complainant is that she was made to sign on blank stamp papers, a perusal of the document dated 23rd May, *BAIL APPLN. 399/2016*

2014 reveals that the same is not only signed by the complainant but is also thumb marked by her father wherein the complainant stated that she does not like her husband, she was going to her parental house to think whether she would continue with the relationship or not. Further even though the complainant left the matrimonial home on 23rd May, 2014 as stated by her, the complaint was lodged to CAW Cell on 30th September, 2014 only on which the above noted FIR was registered on 20th March, 2015.

4. Learned APP for the State submits that even prior to the complaint dated 30th September, 2014 to the CAW Cell, the complainant had sent a complaint to the Commissioner of Police. Even the complaint to the Commissioner of Police was sent only on 10th September, 2014.

5. Considering the facts and circumstances of the case and the fact that the petitioner has already joined the investigation and no recoveries are to be made from him, I deem it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned and further subject to the condition that he will join the investigation as and when directed by the investigating officer.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 23, 2016
‘v mittal’