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

DECIDED ON : 1st JUNE, 2016

+ **BAIL APPLN. 795/2016**

MS.POONAM & ORS.

..... Petitioners

Through : Mr.Jitender Sethi, Advocate with
Mr.Akash Sharma, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through : Mr.Amit Gupta, APP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

1. The petitioners seek anticipatory bail under Section 438 Cr.P.C. in case FIR No.39/2016 registered under Sections 323/326B/354/354A/354B/34 IPC at PS Bharat Nagar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The victim / complainant and the petitioners are related to each other. The complainant Reena is the sister-in-law of petitioner No.1 (Poonam). Petitioner No.2 (Premo) is Poonam's maternal aunt. Petitioner No.3 is petitioner No.1's sister. Matrimonial dispute has arisen between petitioner No.1 and her husband Rakesh and proceedings under Section 12 D.V. Act are pending.

3. In her complaint lodged on 26.01.2016, giving rise to the registration of the instant FIR, the complainant did not implicate the petitioners for instigating petitioner No.1's brothers Ashu and Arun to outrage her modesty and throw acid on her. She merely informed that Poonam, Nisha, Neelam, Premo and Vimla had arrived at the spot and she was given beatings by them with shoes / chappals and 'dandas'. In her 164 Cr.P.C. statement recorded on 28.01.2016, she disclosed that at the time of occurrence after her modesty was outraged and she came running down stairs, Poonam took out an acid bottle and gave it to her brother Ashu; she also exhorted her brothers to kill her.

4. It is relevant to note that the Sessions Court has already granted anticipatory bail to Nisha and Vimla. The petitioners were denied anticipatory bail as the complainant had assigned specific and definite role to them in the occurrence.

5. It is further apt to note that FIR No.228/2016 under Sections 341/354B/326B/109/34 IPC at Police Station Bharat Nagar has been registered on Rakhi's complaint against her brother-in-law Sushil Kumar and Rajesh Kumar for throwing acid on her. Rakhi has also implicated complainant Reena and her mother Raj Kumari for instigating them (Rajesh Kumar and Sushil Kumar) to pour acid on her. Another FIR No.42/2016 under Sections 323/341/354B/34 IPC has been registered on Poonam's complaint in which she accused Rajesh, Sushil and Pradeep for outraging her modesty. She also leveled allegations against her husband Rakesh, sister-in-law Reena (the complaint in FIR No.39/2016), Pinki, Indu and her mother-in-law for beating her. Apparently, both the sides have lodged criminal proceedings against each other.

6. Considering the previous history of hostile relations between the parties, and the specific role assigned initially to the petitioners, their custodial interrogation is not called for. The petitioners are thus granted anticipatory bail and in the event of arrest, they be released on furnishing personal bond in the sum of ₹50,000/- with one surety each in the like amount to the satisfaction of the SHO/Investigating officer. They shall, however, join the investigation as and when required.

7. The bail application stands disposed of.

(S.P.GARG)
JUDGE

JUNE 01, 2016 / tr