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

+ BAIL APPLN. 835/2016

RAKESH

..... Petitioner

Through: Mr.Ravi Mehta, Advocate

versus

THE STATE OF (NCT OF DELHI)

..... Respondent

Through: Mr.Akshai Malik, Additional Public
Prosecutor for the State alongwith ASI
Raghuraj Singh Police Station MS Park,
Delhi.

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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06.05.2016

Vide this application under Section 438Cr.P.C petitioner seeks anticipatory bail in case FIR No.128/2016 under Section 506/509 IPC registered with police station M. S. Park.

FIR in the instant case was registered on the basis of a complaint made by the complainant Ms.Rajni against the petitioner who is her uncle alleging therein that on 07.04.2016 at about 2.30 pm when she was alone in her house petitioner came and forced her to withdraw the complaint filed by her against him and also threatened her not to defame him. He used abusive language. When she tried to send him back then he misbehaved with her. She called the police.

Counsel for the petitioner submits that the allegations are false. Multiple litigations are going on between the complainant family and the applicant over property. Both the parties are residing in the same house. The complainant and her family members had earlier given merciless beatings to the applicant on which FIR No.150/2013 under Section

323/341/34 IPC at police station Mansarovar Park was registered. The applicant had sustained grievous injuries in that incident. The complainant got registered a false and frivolous FIR No.177/2013 under Section 509/506 IPC at police station Mansarovar Park against the applicant on false and baseless grounds. A civil case regarding property dispute is pending. In order to put pressure upon the applicant, this FIR has been registered. On the next day of the alleged incident, brother of the complainant forcibly entered into the bedroom of the accused and misbehaved with his daughter, torn her clothes and extended threats to face dire consequences as a result FIR No.131/2016 under Section 451/354/354B/509 IPC alongwith POCSO Act was lodged against the brother of the complainant. The petitioner had deep roots in the society. He does not have any past criminal record. He is ready to join investigation, as such, he be released on bail.

Application is opposed by learned Public Prosecutor for the State on the ground that the allegations are serious in nature. Initially, the FIR was registered under Section 506/509 IPC, however, after the statement of the complainant was recorded under Section 164 Cr.P.C by the learned Metropolitan Magistrate, Section 354 IPC was also added. As such, the application deserves to be dismissed.

Needless to say, parties are close relations as petitioner is the uncle of the complainant. They are living in the same property albeit on different floors. Property disputes are pending between the parties as a result of which a civil case has also been filed. As averred in the application, both the parties have got registered cases against each other. Under the circumstances, in the event of arrest petitioner be released on bail on the following conditions:

- (i) On his furnishing a personal bond in the sum of Rs.15,000/- with

one surety in the like amount to the satisfaction of arresting officer/SHO concerned.

- (ii) He is further directed to join investigation as and when summoned.
- (iii) He is also directed not to coerce, threaten or pressurize the complainant.

Application stands disposed of accordingly.

Order dasti.

SUNITA GUPTA, J

MAY 06, 2016

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