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

+ **BAIL APPLN. 1243/2016**

ARUN SIRKECK

..... Petitioner

Represented by: Mr. Anish Dhingra, Mr.
Dheeraj Manchanda, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ravi Nayak, APP with
SHO Krishanpal, SI Devender
PS Lajpat Nagar.
Mr. Atin, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
18.07.2016

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By this petition the petitioner who is the son-in-law of the complainant seeks anticipatory bail in case FIR No.321/2016 under Section 354/509 IPC registered at PS Lajpat Nagar.

Learned counsel for the petitioner submits that a PCR call was made by the wife of the petitioner on 8th May, 2016 which was enquired into and filed on the same day after the Police arrived. Again on 9th May, 2016 the petitioner made a call, however no action was taken thereon. The complainant's daughter i.e. the wife of the petitioner made a belated complaint on 9th May, 2016 with regard to the incident of 8th May, 2016 alleging assault to her and molestation of her mother. The complaint is clearly an after-thought and an exaggeration, lodged in order to pressurize

the petitioner.

Learned counsel for the complainant contends that on the 9th May, 2016 the wife of the petitioner was made to sit in the Police Station, however her complaint was not taken and the complainant's herein daughter sought lodging of FIR was not an after-thought.

Learned APP for the State has given the complete sequence of the complaints by the two parties.

The sequence of events is that on 8th May, 2016 a PCR call was received recorded as 18-A at the PS about quarrel. ASI Tika Ram went to the spot and found that there was verbal altercation between the petitioner and his wife, thus the complaint was filed. Again on 9th May, 2016 a PCR call was received recorded vide DD 18-A at 8.34 AM from one Anika Arora who complained that her husband had beaten her and stolen her jewellery. When the investigating officer reached the spot statement of Anika Arora was recorded wherein she stated that she was married to Arun Sirkeck and for the last two and a half years she was living separately from him because he used to drink a lot and was not doing any work. Arun Sirkeck came to the house of her mother and troubled her and thus she wanted a judicial separation. She further stated that in this regard she will file proceedings before the Court and no such incident of theft had taken place and thus PCR call be filed.

On the same day a detailed complaint was given by Anika Arora wherein she alleged that on 8th May, 2016 at about 11.00 AM the petitioner came from behind when she was preparing breakfast, grabbed her neck and demanded money from her. When she refused he started beating her and left the home in hurry. The petitioner returned to her mother's house later in

the day at about 2.00 PM. He started beating her and her three and a half year old son. In the evening he stole the jewellery belonging to her amounting to ₹5 lakhs along with cash of ₹25,000/-. When he was leaving the house Anika Arora stopped him from going out on which the petitioner picked up a knife and attacked on her. Thereafter he started punching on her left side of the face and said “*Aaj To Tujhe Jaan Se Maar Doonga*”. When her mother came to save her the petitioner in a most inhuman way grabbed her by her chest and violently pushed her away and abused them of dire consequences. Thus, she sought registration of FIR under Sections 325/341/354/382/509/506/511 IPC against the petitioner.

Anika Arora further stated that the statement recorded by the investigating officer when she was at her residence was not her correct statement and was made to sign the papers forcibly. Later a detailed complaint type-written complaint was also given and action was sought. A complaint was also made by the mother of Anika Arora regarding the incident of 8th May, 2016 wherein she alleged that the petitioner pressed the neck of her daughter and demanded money. On refusal he assaulted her. When he returned back he stole the articles and made a complaint reiterating the allegations made by Anika Arora in her detailed complaint dated 9th May, 2016 on which the FIR was registered.

On the basis of sequence of events and the fact that one of the allegations of Anika Arora in the complaint was that she was inflicted injury by the knife, however there was no MLC got prepared and nor was there any injury on her and primarily it is a matrimonial dispute between the parties and the present incident took place when the complainant i.e. mother of Anika Arora intervened between Arun and Anika, I deem it fit to grant

anticipatory bail to the petitioner. It is therefore directed that in the event of arrest petitioner be released on bail on his furnishing a personal bond in the sum of ₹20,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned. The petitioner will not leave the country without the prior permission of the Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 18, 2016
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