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

+ **CRL.M.C. 2511/2016**

ANJALI

..... Petitioner

Through

Mr. B.P. Sharma with Ms. Archna
Sharma, Advs.

versus

STATE (GOVT OF N.C.T) & ANR

..... Respondent

Through

Mr. Hirein Sharma, APP WITH si
Mahipal Singh, PS Gazipur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.07.2016

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CrI.M.A. 10786/2016

Exemption allowed, subject to all just exceptions.

CrI.M.C. 2511/2016

Notice. Learned APP for the State accepts notice.

By the present petition, the petitioner seeks cancellation of anticipatory bail granted to respondent No.2 by learned Additional Sessions Judge vide order dated 8th July, 2016.

Learned counsel for the petitioner who is the complainant in the FIR contends that on the allegations of the complainant not only offence under Section 498A but also offence punishable under Section 328 IPC was also invoked. Respondent No.2 administered mosquito repellent to the petitioner and this being a serious offence, no anticipatory bail could be granted to respondent No.2.

Vide the impugned order learned Additional Sessions Judge notes that mosquito repellent was consumed by the complainant herself. The

petitioner had already joined the investigation and no recovery was to be effected from him and thus no custodial interrogation was required.

Learned APP for the State has taken me through the statement of the complainant recorded by the SDM wherein she stated that she was married for 5 years and had a child aged 4 years. She was disturbed because respondent No.2 used to abuse her. She stated that she wanted no settlement and that her husband gave her mosquito repellent which she took herself at 8.30 AM whereafter her husband took her in the car and got her admitted in the hospital.

Considering the averments in the complaint, I am of the view that there is no error in the order of the learned Additional Sessions Judge granting anticipatory bail to respondent No.2.

Petition is dismissed.

MUKTA GUPTA, J.

JULY 20, 2016
‘v mittal’