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

+ **BAIL APPLN. 2068/2016**

**VIJAY BHUSHAN SHARMA @
HARSHVARDHAN SHARMA**

..... Petitioner

Represented by: **Mr. Shiv Charan Garg,
Advocate.**

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: **Ms. Rajni Gupta, APP for the
State with SI Sumitra Sharma,
PS Rajouri Garden.
Mr. Naveen Gaur and Mr.
Neeraj Gahlot, Advocates for
respondent No.3 with
respondent No.3 in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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30.11.2016

1. By the present petition the petitioner seeks bail in case FIR No.681/2016 under Sections 323/328/376/377/506 IPC registered at PS Rajouri Garden, Delhi.

2. In the complaint which was given by the complainant on 19th July, 2016 on which the above noted FIR was registered on 22nd July, 2016 the complainant alleged that she was married to son of the petitioner on 4th December, 2005 however, her husband and parents-in-law started harassing her soon after the marriage. Her husband was an alcoholic and consumed

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charas etc. resulting in mental disorder. Whenever, the complainant tried to stop her husband from intoxication he used to beat her and when she complained to her mother-in-law she did not like the same. She alleged unnatural sex against the husband. She further stated that on one day she was beaten so much that she made a call at 100 number, whereafter her MLC was conducted at Guru Govind Singh Hospital. She stated that she did not take any action thereafter on the said complaint for the sake of the children. In February, 2015 the marriage of her brother-in-law was to take place for which all relations had gone to the second house at Vaishali in the first week. Since she was not feeling well, she asked her father-in-law for some medicine, who gave her medicine in juice. On drinking the juice and the medicine she felt dizzy and became unconscious. When she got up she realised that her clothes were disarrayed and rape had been committed on her. She alleged that prior to this incident few days ago in July, her father-in-law tried to rape her.

3. A perusal of the documents placed on record by the petitioner, who is the father-in-law of the prosecutrix reveals that after the prosecutrix was married to the son of the petitioner there were constant disputes in the family and in this regard number of complaints were made to the police from both sides.

4. The State has also placed on record number of DD entries lodged inter-se the parties. The petitioner had issued a legal notice on 3rd December, 2014 debarring his son from the properties owned by him. On 19th July, 2016 the petitioner filed a civil suit for possession and permanent injunction against the complainant and her husband before the learned

District Court and on the same day complaint on which the above noted FIR was registered was filed.

5. Despite the fact that there have been repeated complaints by the prosecutrix even in 2015-16 prior to 19th July, 2016 there is no allegation whatsoever against the petitioner of having committed rape on her.

6. Considering the disputes between the parties, the fact that the petitioner has joined the investigation and no recovery is required to be made from him, this Court deems it fit to grant anticipatory bail to the petitioner.

7. 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 ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 30, 2016

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