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

+ **BAIL APPLN. 1291/2015 & CrI.M.A. 9274/2015 (stay)**

HARSH SUMAN

..... Petitioner

Represented by: Ms. Saahila Lamba with Mr.
Mukesh Kumar, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Ashok Kumar, PS
Dwarka North.
Mr. S.K. Saha with Mr. Jagdev
Singh, Advs. for complainant
with complainant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
19.07.2016

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By this petition the petitioner seeks anticipatory bail in case FIR No.458/2015 under Sections 307/498A/506/34 IPC registered at PS Dwarka North.

Learned counsel for the petitioner states that the parties had settled the matter and were living together when the complainant conceived again. Though the complaint alleges severe beating, no MLC was got prepared. The medical prescription which is relied by the complainant would show that though she gave the alleged history of physical abuse by the husband, however there was no sign of physical abuse on the body. She only complained of pain in the lower abdomen.

Learned APP for the State has taken me through the status report and

states that Section 307 IPC has been added in view of the fact that the allegations of the complainant were that the husband beat her and punched the lower abdomen when she was pregnant.

A perusal of the status report would reveal that earlier FIR No. 439/2014 was lodged by the complainant against the husband and in-laws wherein a settlement was arrived at between the parties in the mediation cell and the petitioner and complainant started living together separately from the matrimonial home. During this period, the complainant conceived. The allegations in the present FIR are that on 14th January, 2015 at about 10.30 PM the petitioner assaulted, abused and slapped the complainant. The petitioner also punched her on lower abdomen which resulted in severe pain. It is also alleged that earlier also in 2011 in view of the same act of the petitioner, the complainant suffered a miscarriage.

I have gone through the treatment sheet of Shree Hospital, Sector 6, Dwarka wherein the complainant had given the alleged history of physical abuse by the husband however there was no sign of physical abuse on the body. Further the complainant has already given birth to a child.

Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioner. 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 ₹25000/- with one surety of the like amount to the satisfaction of the Arresting Officer/SHO concerned.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 19, 2016
‘v mittal’