

\$~1

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ BAIL APPLN. 1707/2015  
GHANISH @ GOLU

..... Petitioner

Through: Mr Mahesh Kumar Gautam, Adv.  
versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms Neelam Sharma, Additional Public  
Prosecutor for the State alongwith ASI  
Surender Singh, Police Station Khayala,  
Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 15.01.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No.395/2015 under Sections 451/354/509 IPC Police Station Khyala, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by the complainant 'N' wherein she alleged that on 24.06.2015 at about 11 pm, she was at home and her husband had gone outside for purchasing vegetables. The petitioner, who resides in front of her house came to her and asked her "*as to why do you live with a drunkard and she should live with him and enjoy*". The complainant told him that Sanjay is her husband and she would only live with him. Whereupon, the petitioner hit the complainant on her breast and when she objected to the same, the petitioner caught hold her hands and asked her to come with him. She managed to get released from the clutches of the petitioner and gave him a slap and raised alarm thereupon the petitioner ran away from her house. Again on 25.06.2015 at about when she was returning home after giving lunch to her husband, the petitioner, who was standing near her house, on seeing her commented 'prostitute has come'. She went to her house and called the police at number 100.

Learned counsel for the petitioner submits that the allegations made in the FIR are false. In fact, the complainant and her husband are indulging in running a 'gambling racket' and that a complaint in this regard was made to the Police Station which bears the signatures of several persons of the locality and they prayed action against the complainant and her husband. He further submits that the petitioner has already joined investigation and is still ready and willing to

join the same.

Learned Additional Public Prosecutor for the State did not dispute the fact that pursuant to the directions given by this Court, the petitioner has joined investigation but it is submitted that he is not cooperating in the same. As regards the complaint made by the petitioner, it is submitted that the same has been found to be false. Reference was made to the statement of several persons of the locality recorded by the police that the complainant is not indulging in any such gambling activities. It is further submitted that the petitioner was administering threats to the complainant and, therefore, she has vacated the premises and is now residing elsewhere.

Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

JANUARY 15, 2016