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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 14.03.2016

+ BAIL APPLN. 2510/2015

KAMNA

..... Applicant

Through Mr. Tarunjeet Singh, Advocate along
with applicant

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. M.S. Oberoi, APP for State
SI Rampal Yadav, PS Nihal Vihar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking pre-arrest bail in FIR No. 808/2015, under Section 308 IPC, registered at Police Station- Nihal Vihar, Delhi.

2. Mr. M.S. Oberoi, learned APP appearing on behalf of the official respondent, on instructions from the Investigating Officer in the subject FIR

namely SI Rampal Yadav, Police Station- Nihal Vihar, Delhi states that the applicant has since joined investigation and is co-operating with it.

3. A perusal of the subject FIR reveals that it came to be registered on a complaint instituted by the applicant's neighbour- Smt. Rampati, the complainant herein alleging that the applicant had attacked the latter.

4. The applicant's assertion is that the complaint that led to the registration of the subject FIR is patently wrong and she has been falsely implicated in it.

5. In the present case, it is observed that the applicant has clean antecedents and is not involved in any other case.

6. It is also observed that the applicant has a child of two and a half years of age and has roots in the society.

7. At this stage, there is neither any hint nor allegation that the applicant shall not be available to stand trial or that she may attempt to tamper with the evidence or try to influence the witnesses in the subject FIR.

8. In my view, no useful purpose shall be served by requiring the custodial interrogation of the applicant herein.

9. In view of the foregoing, the present bail application is allowed.

10. In the event of applicant's arrest, she shall be released on bail on her furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the further conditions:-

(i) That she shall continue to co-operate with the investigation and make herself available for questioning to a Police Officer as and when called upon to do so.

(ii) That she shall not try and influence witnesses or approach the complainant or tamper with the evidence in the subject FIR.

(iii) That the applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

11. With the above directions, the present bail application is disposed of.

SIDDHARTH MRIDUL, J

MARCH 14, 2016
SD