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

\+ BAIL APPLN. 2671/2015 and CRL.M.A.No.17986/2015

RAJENDER KUMAR ..... Applicant
Through: Mr. Manjeet Singh, Advocate

versus

STATE (GOVT OF NCT OF DELHI) ..... Respondent
Through: Ms. Radhika Kolluru, APP with SI Brahmpal Singh, PS- Malviya Nagar

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

O R D E R

% 12.05.2016

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.2078/2015, under Sections 448/380/34 IPC, Police Station- Malviya Nagar, New Delhi.

In the present application, it is necessary to specify the backdrop in which the subject FIR came to be registered.

The complainant in the subject FIR is Kailash Chand, whose son Sandeep Kumar is married to Sheetal, the niece of the present applicant Rajender Kumar.

It is an admitted position that Sheetal has made various complaints before the Crime Against Women Cell as well as instituted a complaint under the provisions of Domestic Violence Act, 2005 against her husband as well as the complainant in the subject FIR and other family members, prior in point of time to the registration of the subject FIR.

It is further an admitted position that the complainant's wife has filed a suit for permanent and mandatory injunction against Sheetal, her dauther-in-law. Furthermore, it is an admitted position that the complainant has instituted two other proceedings against his daughter-in-law Sheetal before the concerned Magistrate, South District, Saket Courts, Delhi, which are pending adjudication.

The son of the complainant Sandeep Kumar has filed a proceeding against Sheetal, seeking divorce on the ground of cruelty.

As is evident from the foregoing, the submission made on behalf of learned counsel appearing on behalf of the applicant to the effect that the present proceeding is a counterblast to the complaint filed by Sheetal against the complainant herein and his family members cannot be said to be unjustified or without any basis.

It is observed that Sheetal and her mother Sunita have already been enlarged on bail by the trial court.

Added to this is the circumstance that the applicant has joined the investigation and made himself available for questioning by the police in the subject FIR.

It has become common place for matrimonial disputes to assume alarming proportion in the city of Delhi and the flames raised with such discord engulf entire families on both sides.

In view of the foregoing, the present application is allowed. In the event of his arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount to the satisfaction of the Arresting Officer/Station House Incharge subject to the condition that he shall continue to cooperate with the investigation and make himself available for questioning to a police officer, as and when called upon to do so.

The application is disposed of accordingly. Pending application also stands disposed of.

I pay my deep gratitude to counsel appearing on behalf of the complainant for rendering all the necessary assistance.

SIDDHARTH MRIDUL, J

MAY 12, 2016
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