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

+ **BAIL APPLN. 1394/2016**

GAURAV JAIN

..... Petitioner

Represented by: Mr. Anil Goel, Adv.

versus

STATE N.C.T OF DELHI

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Amit Tyagi PS Ranjit Nagar.
Mr. A.S. Anand, Mr. Shashi
Bhushan, Mr. Dharmendra
Kumar, Advs. for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.02.2017

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1. By this petition, the petitioner seeks bail in case FIR No.764/2015 under Sections 498A/406/307 IPC registered on the complaint of the mother-in-law of the petitioner in respect to the harassment and assault on the wife of the petitioner. Learned counsel for the petitioner states that if released on bail the petitioner will stay with his parents at Hathras.

2. The above-noted FIR was registered on 12th November, 2015 after a PCR call was made by the complainant informing regarding incident of stabbing her daughter Bharti. On reaching the spot Bharti was found lying in a pool of blood at her maternal home. The complainant informed that her

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daughter was married to the petitioner in the year 2009 and right from the beginning his behaviour was cruel and unjust to her daughter. He made demands of dowry and used to beat her for not fulfilling the same. In this regard a complaint had earlier been made in May 2015 and when the parties appeared before the Mediation Centre, the petitioner threatened her daughter. It is alleged that the petitioner came to the place of incident and stabbed her daughter. As per the MLC the daughter of the complainant received 8 sharp injuries which were opined to be grievous in nature. Anticipatory bail application of the petitioner was dismissed. The petitioner approached this Court for regular bail application. The petitioner was arrested on 13th November, 2015 and applied for regular bail.

3. During the pendency of the present application for bail, the parties thought of giving a second chance to re-settle their lives. Thus, vide order dated 8th September, 2016 the petitioner was granted interim bail. However there could be no settlement arrived at between the parties and the petitioner surrendered to custody on October 21, 2016. Since then the petitioner is again in custody. During the trial, statement of the victim/ daughter of the complainant has already been recorded and she has been cross-examined as well.

4. Since the trial is likely to take some time, the injured witness i.e. victim has already been examined and the petitioner is in custody for nearly one year two months, this Court deems it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the learned Trial Court, further subject to the

condition that the petitioner during the bail period will continue to stay at Hathras and will not visit Delhi except on the date of trial before the learned Trial Court or any other Court date till the complainant and the minor son of the victim are examined. Even on the days he appears in Delhi, he will not try to either influence or threaten the complainant or victim or any of their family members or any other witness. The petitioner will not leave the country without the prior permission of the Court concerned.

5. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 02, 2017
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