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

+ **BAIL APPLN. 2532/2016**

NEERAJ KUMAR

..... Petitioner

Represented by: Mr. Himanshu Mehra and Mr.
Manish Kumar Vikkey,
Advocates.

versus

GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP for
the State with Inspector Rajesh,
W/SI Shiksha, PS Chhawla.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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24.04.2017

Crl. M.A. No. 6032/2017 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No. 6031/2017 (Additional documents)

Additional documents filed by the petitioner are taken on record.

Application is disposed of.

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No. 666/2015 under Sections 498A/406/34 IPC registered at PS Chhawala, Delhi on the complaint of his sister-in-law, wherein Section 376 IPC was added later after the statement of the complainant was recorded under Section 164 Cr.P.C.

2. The admitted sequence of events are that the brother of the petitioner

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namely Dheeraj Kumar married the complainant on 4th February, 2013 and since March, 2013, Dheeraj and the complainant were residing separately in a rented accommodation.

3. On 9th February, 2015 according to the brother of the petitioner due to temperamental difference he left the rented matrimonial home and prepared a divorce petition which was filed on 10th February, 2015 and listed before the Principle Judge, Tis Hazari Courts on 19th February, 2015 as HMA No.132/2015. On 14th February, 2015 it is the case of the brother of the petitioner that the complainant came to his workplace and left the minor child aged 10 months for which he lodged a complaint with PS Rajender Nagar on the same day. On 16th February, 2015, the complainant lodged a complaint at PS Chhawla against the brother of the petitioner levelling allegations of abduction of the minor child when the brother of the petitioner showed his complaint dated 14th February, 2015. When the parties met on the complaint dated 16th February, 2015 filed by the complainant alleging abduction it was revealed to the complainant that her husband had already filed a divorce petition which was listed on 19th February, 2015. Though the divorce petition being HMA No.132/2015 was withdrawn by the brother of the petitioner due to lack of territorial jurisdiction however, on 24th February, 2015 the complainant filed a complaint before the CAW Cell, Dwarka, Sector-9. In the said complaint the allegation against the petitioner who is the brother-in-law of the complainant was that one day finding the complainant alone he misbehaved with her and did '*jor jabardasti*'. The said complaint was pending before the CAW Cell and the FIR was finally registered on 24th October, 2015 under Sections 406/498A/34 IPC. In the

statement under Section 164 Cr.P.C. on 17th September, 2016 for the first time the complainant stated that the petitioner physically abused her and made forcible physical relations with her.

4. Considering the nature of allegations in the complaint dated 24th February, 2015; the statement under Section 164 Cr.P.C. having been recorded after nearly 1½ years; the sequence of events as noted above; also the fact that no specific date of the alleged offence was given and even as per the complaint, the petitioner was never residing with the complainant and her husband., this Court deems it fit to grant anticipatory bail to the petitioner.

5. Consequently, it is directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned. In case of change of address, the same will be informed to the learned Trial Court by way of an affidavit.

6. Petition is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

APRIL 24, 2017

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