

3# \$~

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

+ **BAIL APPLN. 12/2017**

**KHEM CHAND**

..... Petitioner

Represented by: **Mr. S.C. Singhal, Advocate.**

versus

**COMMISSIONER OF POLICE**

..... Respondent

Represented by: **Mr. Hirein Sharma, APP for  
the State with Inspector Meena  
Yadav, PS Palam Village.  
Mr. Khowaja Siddiqui,  
Advocate for the complainant.**

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**01.03.2017**

%

1. By the present petition the petitioner seeks bail in case FIR No.288/2016 registered at PS Palam Village under Sections 354/323/506/34 IPC wherein Section 376 IPC was later added after the statement of the prosecutrix was recorded under Section 164 Cr. P.C..

2. On 16<sup>th</sup> July, 2016 two PCR calls were received about a quarrel at PS Palam Village at 12.37 hours and 14.09 hours recorded vide DD Nos. 18A and 23A respectively. Both these DD entries were got recorded by the victim of the above named FIR. Further three PCR calls were made by the wife of the petitioner being DD Nos. 24A, 31A and 34A recorded at 14.13 hours, 16.02 hours and 19.14 hours respectively.

3. The prosecutrix was medically examined who gave alleged history of

***BAIL APPLN. 12/2017***

***Page 1 of 3***

physical assault. The doctor noted tenderness and swelling in the lower abdomen, bite marks on the arm and opined the injuries to be simple blunt.

4. The MLC of the wife of the petitioner was also got prepared which also gave alleged history of physical assault and abrasions on her body were found. The injuries to the wife of the petitioner were also opined to be simple blunt in nature.

5. The complainant in her statement stated that the petitioner and his wife had quarrelled with them for the water pipe and damaged their shop. She also stated that on the last Wednesday the petitioner, his wife and their son came to their house, quarrelled with her and tore her clothes, when the complainant's husband tried to pacify the petitioner and his wife, they along with their son threatened the husband of the complainant. The complainant alleged that the petitioner and his family have fabricated the documents of the property and were threatening them. On 18<sup>th</sup> July, 2016 at about 05.06 PM when she was alone four ladies and a guard entered the house and asked about her husband when she did not tell anything they started beating her and tore her clothes. Thereafter Sandeep, Surender and Joginder who were the witnesses of the Registry of the First Floor along with one more person whom she did not know entered the house and assaulted her and tore her clothes. She further alleged that she was disrobed and the accused did not listen to her. Thus on the complaint of the complainant the above noted FIR was registered whereas on the complaint of the wife of the petitioner FIR No.287/2016 under Sections 354/323/506/34 IPC was registered at PS Palam Village.

6. As noted above in the complaint the complainant did not level any

allegations of putting the hand on her lower part however, when her statement was recorded under Section 164 Cr.P.C., she stated these facts thus Section 376 IPC was also invoked in the FIR.

7. Charge sheet has since been filed. The petitioner is no more required for investigation and no recovery is required to be made from him. There are number of cases lodged by both the parties against each other.

8. Considering the nature of allegations and that there were PCR calls from both the sides and FIRs were registered by both the sides, I deem 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 one surety of the like amount, subject to the satisfaction of the learned Trial Court further subject to the condition that he will not leave the country without prior permission of the learned Trial Court and in case of change of address the same will be intimated by the petitioner to the learned Trial Court by way of an affidavit.

9. Petition is disposed of.

10. Order dasti.

**MUKTA GUPTA, J.**

**MARCH 01, 2017**

**‘vn’**