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

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Judgment delivered on: 15.11.2018

+ BAIL APPLN. 391/2017

SARASWATI YADAV

..... Petitioner

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

+ BAIL APPLN. 478/2017

VANDANA KURICHH

..... Petitioner

versus

STATE THR. GOVT. OF NCT OF DELHI Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjay Sharma with Ms. Richa Sharma, Advocates in Bail Appln. 391/2017 and Mr. Parmod Kumar Singhal, Adv. in Bail Appln. 478/2017.

For the Respondent : Ms. Meenakshi Dahiya, APP for the State with SI Aadesh, P.S. Prashant Vihar. Mr. D.K. Mishra, Adv. for the complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

15.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek anticipatory bail in FIR No. 56/2017, under Sections 323/326/356/379/380/34 IPC, Police Station Prashant Vihar.

2. Allegations in the FIR are that the complainant as well as the petitioners resides in the same working woman hostel. It is alleged that there was an altercation between them with regard to theft of some money. The petitioners are alleged to have assaulted the complainant, stolen her money and broken her gold chain, which was later found to be missing. As per the complainant the money and the gold chain have been taken by the petitioners.

3. Learned counsel for the petitioners submits that petitioners have been falsely implicated. On the contrary it is alleged that the money and the gold chain of the petitioners had been stolen by the complainant and an FIR i.e FIR No. 57/2017 under Sections 323/356/379/380/506/34 IPC, Police Station Prashant Vihar has been registered.

4. By order dated 06.03.2017 in Bail Appln. 391/2017 and order dated 17.03.2017 in Bail Appln. 478/2017 petitioners were granted interim protection subject to joining investigation.

5. Status report has been filed which shows that petitioners joined investigation, however, it is alleged that the accused persons did not cooperate in the investigation and denied all allegations and did not help in recovery of the stolen properties/ weapon of offence.

6. Learned counsels for the petitioners submit that petitioners did cooperate and the prosecution was expecting confession of guilt as

cooperation. Learned counsel submits that since petitioners did not commit the offence so there was no question of accepting any of the allegations/recovery of the alleged stolen property or alleged weapon of offence.

7. Keeping in view the fact that the disputes emanate out of cross allegations and the complainant who is accused in the FIR lodged on the complaint of the petitioners has also been admitted to bail and further the petitioners have been on interim protection since March, 2017, I am of the view that petitioners have made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioners on bail, on petitioners furnishing a bail bond in the sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioners shall not do anything that may prejudice either the investigation or the prosecution witnesses.

9. Petitions are disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master

NOVEMBER 15, 2018
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SANJEEV SACHDEVA, J