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

+ BAIL APPLN. 1764/2018 & CRL.M.A. 28736/2018

VEERMATI & ORS. Petitioners

Through: Dr. Rajeev Sharma, Advocate.

versus

STATE (N.C.T OF DELHI) Respondent

Through: Mr. Ashish Dutta, APP for State with
Addl. DCP Sanjeev Kumar & Insp.
Arun Kumar, PS Dwarka North

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **30.07.2018**

The allegations have been made against the petitioners in the FIR No.168/2018 registered at Police Station Dwarka (South) on 14.06.2018 at 2.58 p.m. at the instance of Anjana regarding an incident that occurred sometime between 7.30 to 8.30 a.m. on 13.06.2018 involving offences punishable under Section 376/354B/354/34 IPC. The first informant Anjana is married to Gyanendra. Concededly, on account of matrimonial dispute, she has been living away from the matrimonial home but they being involved in some litigation for the last several years. The place of the incident is described as the house of the in-laws, the first petitioner Veermati being *jethani*, who is a middle aged woman. She is wife of third petitioner Ravindra. The fourth and fifth petitioners are their sons while second petitioner Mahaveer is an elder member of the family aged 70 years. The allegations in the FIR are that the first informant had been called to the house of the petitioners for talks

for settlement of the matrimonial dispute. It is at that stage that the petitioners after closing the door of the house allegedly committed assault on her in the course of which her clothes were torn, her private parts having been touched and a screw driver having been inserted there.

The copy of the first DD entry no. 15A recorded at 8.05 a.m. on 13.06.2018 which has been presented for perusal before the court in post lunch session - after hearing was deferred in pre-lunch session - it not forming part of the record of the case diary, reveals that the cryptic message conveyed to the police control room was that there was quarrel with a lady. The case diary also contains copy of a complaint lodged by the first petitioner which was received as DD no. 37 B on 14.06.2018 indicating it was the complainant who had given threat of implication and had come to the house of the petitioners on her own. The evidence gathered so far and the allegations in the FIR do not reveal any plausible reason why the complainant should have visited the house of the petitioners on the day the incident occurred. The MLC on the basis of examination at 12.15 p.m. on 13.06.2018 in the hospital is to be seen in the light of the clinical notes prepared at 1.25 p.m. in Deen Dayal Upadhyay Hospital on the same date. The local examination had revealed mild tenderness in the perennial region though there was no external injury.

Having regard to the general allegations made seeking to implicate a number of members of the family of the petitioners including the first petitioner, a case for anticipatory bail is made out.

Thus, it is directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.10,000/- each with one surety in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against them by the court of cognizance.

The petition and the accompanying application stand disposed of in above terms.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

JULY 30, 2018/srb/nk