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

+ **BAIL APPLN. 1934/2018 and Crl.M.B. No. 1287/2018**

SURESH BANSAL & ANR

..... Petitioner

Represented by:

Mr. Pankaj Kumar and Mr. Prabhat
Kumar, Advocates.

versus

THE STATE

..... Respondent

Represented by:

Mr. Ashok Kumar Garg, APP with
DCP Aslam Khan, North West, ACP
Sanjeev Kumar, Insp. Balihar Singh,
PS Saraswati Vihar.
Mr. Vivek Aggarwal, Advocate for the
complainant.

+ **BAIL APPLN. 1990/2018 and Crl.M.B. No. 1322/2018**

SH. AMIT BANSAL

..... Petitioner

Represented by:

Mr. Pankaj Kumar and Mr. Prabhat
Kumar, Advocates.

versus

THE STATE

..... Respondent

Represented by:

Ms. Meenakshi Chauhan, APP with
DCP Aslam Khan, North West, ACP
Sanjeev Kumar, Insp. Balihar Singh,
PS Saraswati Vihar.
Mr. Vivek Aggarwal, Advocate for the
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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10.10.2018

1. By these petitions, the petitioners Suresh Bansal and Ashish Goel in
BAIL APPLN. 1934/2018 and petitioner Amit Bansal in BAIL APPLN.
1990/2018 seek anticipatory bail in case FIR No. 133/2018 under Sections

BAIL APPLN. 1934/2018 and conn. matter

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498A/406/354/506/34 IPC registered at PS Subhash Place.

2. Contention of learned counsel for the petitioner is that the FIR was registered on the subsequent complaint of the complainant wherein she improved her allegations and thus making out fresh allegations against the three petitioners herein. The complainant left the matrimonial home on 28th June, 2017 whereafter she made a complaint on 31st July, 2017, two PCR calls were made on 12th September, 2017 followed by written complaint dated 18th September, 2017. Despite their being two detailed complaints and two PCR calls on a fresh complaint dated 30th October, 2017 wherein the complainant added further allegations the FIR was registered and petitioners are sought to be arrested.

3. Learned counsel for the petitioners states that merely because Amit Bansal and the complainant could not settle their matrimonial life the same would not lead to an inference that whatever has been stated by the complainant is gospel truth at this stage and the entire family be put behind the bars. He relies upon the decision of the Supreme Court in Social Action Forum for Manav Adhikar and another Vs. Union of India, Ministry of Law and Justice and others in W.P. Civil No. 73/2015 decided on 14th September, 2018.

4. In the complaint dated 31st July, 2017 the complainant stated that she was married to Amit Bansal on 13th July, 2016 and to comply with every demand of in-laws marriage was performed in a lavish manner at Yadu Green Farm House. Her in-laws pressurized her father to give jewellery articles as gift items. The in-laws insisted that everything be done according to their status. It is further alleged that Amit Bansal stated that he was not ready for marriage, however, his father pressurized him and thus he got married to the complainant and the parties did not have any relationship for six months after the marriage.

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The mother-in-law of the complainant used to pressurize her not to tell this to her parents. After the complainant told this fact to the parents they came to talk to her matrimonial home, however, no conclusion was arrived at.

5. It is alleged that from the in-laws there was a continuous demand of cash and items, also abusive language was used and as the demand was not fulfilled, she was physically and mentally harassed. She stated that her husband slapped her in front of his father and mother and pulled the dupatta around her neck. It is alleged that all her streedhan items were taken by her in-laws and till date the same have not been returned. Complainant alleges that after she became pregnant her mother-in-law did not take care of her and never brought medicines and nor gave money for treatment. Her husband asked her to abort the child and go to her parents to rear the child. She stated that she had been at the parental home for more than one month. The doctor had advised her that the baby had a problem and to get it aborted. Despite her calling and messaging them the in-laws were not responding to her.

6. This complaint was followed by two PCR calls on 12th September, 2017 when the complainant wanted to go back to matrimonial home and she was denied entry in the home.

7. Another written complaint was made by the complainant on 18th September, 2017 wherein she stated that she wanted to go back to her matrimonial home but she was not being permitted to enter the home.

8. These four complaints were followed by the complaint dated 30th October, 2017, wherein the complainant detailed the entire sequence of events and also the specific allegations against petitioner Ashish Goel were levelled.

9. In this complaint on the basis of which the above noted FIR was registered there are allegations of molestation against Ashish Goel as also the

complete details of events that had transpired.

10. Contention of learned counsel for the petitioner that no FIR on the subsequent complaint dated 30th October, 2017 could have been registered as FIR if at all, ought to have been registered on the complaint dated 31st July, 2017 which was the three page detailed complaint deserves to be rejected.

11. In the complaint dated 31st July, 2017 the endeavour of the complainant was to rejoin the matrimonial home and was explaining her physical condition wherein the doctors had advised abortion but there was no co-operation whatsoever from in-laws family. Further the two PCR calls and the complaint dated 18th September, 2017 also were an endeavour when the complainant was trying to rejoin her matrimonial home.

12. In the above noted FIR based on the complaint dated 30th October, 2017 the complainant has given detailed sequence of events and how despite intervention of the panchayat her to join the matrimonial home on 19th February, 2017 the conduct of the in-laws family did not change. She has also noted the abusive language used by in-laws which caused mental torture and agony to her and that despite having suffered ailments no medical treatments was provided to her. The complainant notes that she was frequently taunted as she had not brought cash, costly articles and jewellery as per the demand and desires of the in-laws. The abusive and filthy language and the mental agony was to the extent that when the pet of the in-laws family died due to age the accused persons called the complainant "Manhus" and stated that "Tu Mere Kutte Ko Kha Gai".

13. Considering the fact that there are allegations of molestation against petitioner Ashish Goel in the FIR which are reiterated in the statement under Section 164 Cr.P.C. however there are no allegations against Suresh Bansal in

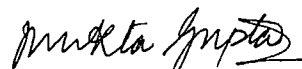
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the FIR in question though stated in statement recorded under Section 164 Cr.P.C., this Court deems it fit to grant anticipatory bail to Suresh Bansal but rejects the anticipatory bail of Ashish Goel. Further as regards Amit Bansal the course of conduct of the husband has been noted above who married the complainant solely under the pressure of his father and was physically and mentally cruel to the complainant. Considering the allegations noted above this Court finds no ground to grant anticipatory bail to Amit Bansal.

14. Consequently, in the event of arrest Suresh Bansal be released on bail on his furnishing a personal bond in the sum of ₹20,000 with one surety bond of the like amount subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the he will join the investigation as and when directed by the Investigating Officer.

15. Anticipatory bails of Ashish Goel and Amit Bansal are rejected. Bail Appl. No.1934/2018 and Crl. M.B. No.1287/2018 is disposed of and Bail. Appl. No.1990/2018 and Crl.M.B. No.1322/2018 is dismissed.

16. Order dasti.


MUKTA GUPTA, J.

OCTOBER 10, 2018
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