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

+ **BAIL APPLN. 2662/2019 & CrI.M.A. 38760/19**

SHEETAL & ANR

..... Petitioners

Through Mr.Vishal Gosain, Adv. with
Mr.Sandeep Panwar & Ms.Maulshree
Pathak, Advs.

versus

STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State.
Mr.T.P. Singh, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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21.10.2019

Vide the present petition, the petitioners seek anticipatory bail in the event of their arrest in FIR No. 334/2019 registered at Police Station – Sarita Vihar for the offences punishable under Sections 307/498A/323/506/34 IPC read with sections 3/4 of the Dowry Prohibition Act, 1961.

Issue notice.

Notice is accepted by learned APP for the State and counsel for the respondent no.2.

With the consent of the counsel for the parties, the present petition is taken up for final disposal.

The case of the petitioners is that the marriage of the complainant was solemnised with the brother of the petitioners herein on 22.02.2015. Wherever, the marriage of the petitioners had already been solemnised on

27.01.2008 and 30.11.2012 respectively and they have been residing at the respective matrimonial home ever since. The complainant has been living amicably at her matrimonial home and has become an integral member of the family, and even shares a warm and cordial relationship with the petitioners. The complainant, for reasons best known to her, self-inflicted an injury upon her neck on the afternoon of 28.07.2019. The father-in-law of the complainant immediately rushed her to the Holy Family Hospital. The complainant was brought to the hospital at around 1:30 PM and at the time she was conscious and oriented. The complainant was given first aid treatment and she was discharged from the hospital at around 3:15 PM.

Learned counsel appearing on behalf of the petitioner submits that the 'Triage Priority level' assigned to the complainant was 3, which means that the condition of the complainant was such that it did not require high priority, life-saving medical attention.

He further submits that the said date happened to be in the middle of a festival and the husband of the complainant and her brother in law (younger brother of the applicants herein) were in Haridwar to undertake some religious rituals. This date is also crucial because the petitioners had visited their maternal home on the said date for performing a pooja in light of the festival. After being discharged from the hospital, the complainant came back to live at her matrimonial home. She continued living at her matrimonial home for more than a month. Further, less than a month after the alleged incident, i.e. on 21.08.2019, the father in law of the complainant (father of the petitioners) executed an Agreement to transfer and a 'Vasiyatnama' in favour of the complainant and her husband, transferring the right, title and possession of property situated at No. 110, Haddu

Mohalla, New Delhi in their name. Subsequently, on 22.08.2019, a General Power of Attorney was executed by the father in law of the complainant in her favour and her husband, transferring the right, title and possession of the above mentioned property in their name. A copy of the property documents dated 21.08.2019 and 22.08.2019 executed in favour of the complainant and her husband are collectively annexed and marked as Annexure P-3 (colly). However, the complainant went to the Police Station and made a complaint on 02.09.2019 for the alleged incident dated 28.07.2019 which culminated into the FIR in question.

He further submits that both the petitioners are married and settled with their spouses at their matrimonial homes and the complainant also stays in her matrimonial home.

On the other hand, learned APP for the State has opposed the present petition by submitting that the petitioners and their parents inflicted heinous injury by knife on neck which is a vital part of the body, therefore, the petitioners may not be admitted on anticipatory bail.

Learned counsel appearing on behalf of respondent no.2/complainant has also opposed the present petition by stating that the agreement dated 21.08.2019 was a sham just to force the complainant not to file the complaint against the petitioners and their family members, therefore, keeping in view the heinous injury passed to the complainant, the applicants did not deserve anticipatory bail. He further submits that the complainant did not make the complaint to save her family's name & reputation and when the petitioners and their family members continued to harass the complainant, then on 02.09.2019, she made the complaint.

The fact remains that the petitioners are sister-in-law (Hanad) of the

complainant who got married in the year 2008 & 2012 whereas marriage of the complainant with their brother was solemnised on 22.02.2015. The applicants are staying with their respective husbands at their matrimonial home and the opinion of the Doctor concerned from the MLC is that the injury is simple.

In addition to above, the alleged incident was of 28.07.2019 and on receipt of the information of the alleged incident, Police Officer of the concerned Police Station reached the hospital, however, she denied to make any statement, therefore, on the said date, the Police Station did not register the case.

In addition to above, on perusal of the MLC, there is no allegation made by the complainant against anyone including the petitioners herein.

Without commenting on the merits of the case of the prosecution, this Court is of the considered view that the present case is fit for anticipatory bail.

Accordingly, the IO concerned, is hereby directed that in the event of arrest, the petitioners be released on bail on the following terms and conditions:-

- (i) That the petitioners shall furnish a personal bond in the sum of ₹10,000/- each with one surety in the like amount subject to the satisfaction of IO concerned;
- (ii) That the petitioners shall cooperate with the investigation and make themselves available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Application stands disposed of.

SURESH KUMAR KAIT, J

OCTOBER 21, 2019
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