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

\+ BAIL APPLN. 582/2019

ANWAR HUSSAIN ..... Petitioner

Through: Mr. N.S. Dalal and Mr. Arasad Ahamad, Advocates

versus

STATE ..... Respondent

Through: Ms. Meenakshi Chauhan, APP for State with Insp. Vijay Pal, SHO PS Shaheen Bagh and ASI Rakesh

Mr. Tejasv Mehra, Adv. for complainant

\+ BAIL APPLN. 585/2019

BAZLUR REHMAN ..... Petitioner

Through: Mr. N.S. Dalal and Mr. Arasad Ahamad, Advocates

versus

STATE ..... Respondent

Through: Ms. Meenakshi Chauhan, APP for State with Insp. Vijay Pal, SHO PS Shaheen Bagh and ASI Rakesh

Mr. Tejasv Mehra, Adv. for complainant

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

O R D E R

% 08.07.2019

Allegations have been made in the first information report (FIR) no.25/2019 of police station Shaheen Bagh registered on the complaint of Rubina N. Sheikh against the petitioners indicating their involvement in offences punishable under Sections 354B, 323, 341,

509, 34 IPC against her. The first informant is the wife of the first petitioner, the other petitioner being his father and, therefore, father-in-law to her. It appears that there is a history of marital discord. On 08.03.2019, the following observations were recorded :-

> *"Status report filed. Though some material primarily in the nature of social media chat has been filed indicating amiable relationship between the first informant Rubina N. Sheikh and her husband (petitioner) they having moved out of the house in the company of each other, inter alia, for dinner and shopping, the fact remains that the incident is alleged to have occurred later in the night at home. It also needs to be noted that though DD no. 5A and MLC recorded sometime after mid night of 9 and 10.02.2019 do show physical assault, the FIR was registered three days after on the basis of statement given on 13.02.2019.*
>
> *The petitioner is directed to join investigation and cooperate with the process.*
>
> *Further status report shall be filed on the next date i.e. 23rd April, 2019.*
>
> *Meanwhile, there shall be no coercive steps against the petitioner subject to strict compliance with the above directions."*

On 23.04.2019, when both petitions had come up together, certain submissions were made indicating endeavour by the investigating agency to downplay the gravity of the case. The observations recorded and the directions given on that day would read thus :-

> *"The MLC indicates that when she (the complainant) was medically examined on 10.02.2019 the complainant had informed the examining medical officer that, besides other assaults, she was bitten on the cheek by the*

husband, i.e., petitioner Anwar Hussain. It is not clear as to why the case would involve, besides others, offence under Section 323 of the Indian Penal Code, 1860 (IPC) only. The SHO concerned shall explain.

The matter shall be investigated properly taking note of the aforesaid allegation as well. Further updated status report shall be submitted.

Be listed on 8th July, 2019.

The interim orders to continue."

The additional status report submitted by Station House Officer of police station Shaheen Bagh on 04.07.2019 indicates the first informant had not alleged she having been beaten on her cheek by the husband at earlier stages, the examining medical officer standing by his opinion that the injury suffered by her was simple in nature, there being nothing to indicate presence of teeth mark. The investigating agency does not require the presence of the petitioners.

In these circumstances, the bail applications are allowed. 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 bond in the sum of Rs.25,000/- 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

themselves 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;

(v) They shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit their passports, if they hold one, with the said court.

The bail applications stands disposed of in above terms.

Dasti.

R.K.GAUBA, J

JULY 08, 2019
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