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

+ **BAIL APPLN. 2892/2019**

SHRI RAMANAND MISHRA

..... Petitioner

Through: Mr. Varun Dhingra, Advocate with Mr.
Sandeep Kumar, Advocate

Versus

THE STATE & ANR

..... Respondents

Through: Mr. Raghuvinder Singh, APP for State
with W/SI Geeta, P.S. Sultanpuri
Mr. S. Sethi, Advocate for respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **23.01.2020**

1. The present bail application has been filed seeking bail in FIR No. 186/2019 under Sections 498A/406/376/377/506/354/34IPC & 4 Dowry Prohibition Act, registered at Police Station Sultan Puri, Delhi.
2. Learned counsel for the petitioner submits that the petitioner is 66 years of age and has been in custody since 06.07.2019. He submits that the petitioner is the father-in-law of the complainant and on account of matrimonial dispute the present petitioner has been falsely implicated in the present case.
3. He has submitted that the marriage of the complainant with the petitioner's son was solemnised on 12.05.2013. He has submitted that the complainant has given different versions of the incident and the FIR has been filed after considerable delay.

4. He has drawn the attention of the Court to the allegations levelled in the FIR where it has been stated that when the complainant complained about her husband to the present petitioner, he asked her to make physical relations with him and the very next day the complainant informed the same to her husband. Two days thereafter, the petitioner had entered the room of the complainant and committed rape. When the complainant informed to her husband and his mother, they rather threatened and started beating her and also broke her mobile phone. When no contact was made, the complainant's parents came to the matrimonial home and took her back with them in the month of May, 2018.

5. Learned counsel for the petitioner has also referred to the MLC of the complainant recorded on 16.02.2019 wherein the alleged history it was recorded that in 2017 when the husband and the mother-in-law were in the village, the petitioner made forcible sexual relations with her whereafter she started living with her husband.

6. He has also referred to the statement of the complainant dated 16.02.2019 recorded under Section 164 Cr.P.C. wherein no allegation of rape has been mentioned. Subsequently, a supplementary statement under Section 161 Cr.P.C. was recorded by the Investigating Officer wherein the complainant stated that on account of being nervous she could not state the correct facts at the time of recording of her statement under Section 164 Cr.P.C.

7. He thus urged that from a reading of the facts mentioned in the MLC, the incident occurred in the year 2017 whereas from the FIR, after the incident occurred, she went to her parental home in May, 2018 whereas the

present FIR came to be registered only on 13.02.2019.

8. On the other hand, learned APP for the State, duly assisted by learned counsel for the complainant has vehemently opposed the bail application. He submits that the complainant has stated in detail about the allegations of demand of dowry as well as the act of rape committed by the present petitioner. He further submits that the charge-sheet has been filed and the charge is yet to be framed and the next date before the trial court is 17.04.2020.

9. Looking into the totality of the facts and circumstances of the case and the fact that the petitioner is in custody since 06.07.2019, without commenting on the merits of the case, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the trial court and subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.
- (ii) The petitioner shall provide the I.O./S.H.O. Police Station Sultan Puri, Delhi with his mobile number and in the event of change of his residential address, shall inform the same to the I.O./SHO as well as to the concerned Court.
- (iii) The petitioner shall not leave the jurisdiction of the National Capital Territory of Delhi without prior permission of the concerned Court.

(iv) The petitioner shall remain regularly present before the Trial Court.

10. With the above directions, the bail application is disposed.

DASTI.

MANOJ KUMAR OHRI, J

JANUARY 23, 2020/p'ma