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

+ **BAIL APPLN. 11/2020**

MANMEET SINGH

..... Petitioner

Through: Ms Anu Narula, Advocate
(DHCLSC).

versus

THE STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State with
Insp. Santosh Chauhan, Crime
Branch.

Dr M. K. Gehlaut, Advocate for Ms
Alka/complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.01.2020**

CRL.M.A. 108/2020

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that anticipatory bail be granted to him in connection with FIR No.0178/2019 under Sections 509/506 of the IPC, registered with PS Timarpur. The said FIR was registered at the instance of the petitioner's erstwhile wife (the complainant).

3. There were certain matrimonial disputes that had arisen between the petitioner and the complainant and the same had resulted in the complainant filing an FIR, *inter alia*, alleging commission of an offence under Section 498A IPC. The said matrimonial disputes were resolved before the

Counsellor and the concerned parties agreed to seek a divorce by mutual consent. A decree of divorce by mutual consent was granted and that terminated the matrimonial relationship between the petitioner and the complainant. It is the petitioner's case that in terms of the settlement arrived at with the complainant, the complainant was also required to withdraw the FIR that was lodged by her in view of the disputes. However, the complainant did not cooperate with the same and has not fulfilled her obligations under their mutual agreement.

4. The FIR in question was lodged by the complainant alleging that she was being continuously harassed by the petitioner and he had been sending obnoxious and obscene messages to her. She had also alleged that one of the messages sent by the petitioner had threatened her that the petitioner would get acid thrown on her.

5. The petitioner had also filed an application seeking anticipatory bail before the learned Trial Court. However, that was rejected by an order dated 10.12.2019. A perusal of the said order indicates that the Trial Court had also considered the investigations undertaken by the police. The investigations revealed that there were as many as thirty-two obscene messages allegedly sent by the petitioner. The court also noticed that the petitioner could not be initially traced. Notices were issued to him on three different addresses but he was not found at any of the addresses. Finally, the petitioner was traced through technical surveillance and was found at S-37, P. G. House, Hargobind Enclave near Gurudwara DLF Farm Gate Chhattarpur, Delhi. The Trial Court had also considered the report of the investigating officer, wherein it was stated that the petitioner has no

permanent address and is habitually changing his address.

6. It appears from the above that the initial investigation had revealed that obscene and threatening messages had been sent by the petitioner's mobile number, which was being used by the petitioner. The learned counsel appearing for the petitioner disputes the above and states that the messages have been fabricated and fictitious.

7. Undeniably, the alleged messages reportedly sent by the petitioner are threatening and obscene. There is little doubt that if it is established that the said messages were sent by the petitioner, he would be liable to be convicted for the alleged offences.

8. The learned counsel appearing for the petitioner states that the petitioner has joined the investigation. She further states that the petitioner is a poor person and, therefore, the fact that he is compelled to change his address frequently should not be held against him. The fact that the petitioner has joined the investigation in this case does not necessarily mean that the petitioner is entitled to anticipatory bail. The Trial Court has noticed that in this case the custodial interrogation may be necessary. This Court finds no infirmity with the said conclusion.

9. Considering the above, this Court finds no reason to accede to the prayer made by the petitioner. The investigation is at an initial stage and is required to be completed expeditiously. The present petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 07, 2020/MK