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

+ BAIL APPLN. 154/2020

RAJ KUMAR

..... Petitioner

Through: Mr.Harit Chhabra, Advocate

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
With SI Anita, PS Baba Haridas
Nagar
Mr.A.N.Aggarwal and Mr.Talib
Khan, Advocates with respondent
No.2 in person.

+ BAIL APPLN. 158/2020

SHAKUNTLA DEVI

..... Petitioner

Through: Mr.Harit Chhabra, Advocate

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
With SI Anita, PS Baba Haridas
Nagar
Mr.A.N.Aggarwal and Mr.Talib
Khan, Advocates with respondent
No.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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21.01.2020

The status report has been submitted on behalf of the State in relation to both the bail applications, Bail. Appln. No. 154/2020 and Bail Appln. No. 158/2020 having been filed by the father-in-law (Bail Appln. No. 154/2020) and the mother-in-law (Bail Appln. No. 158/2020) of the prosecutrix with the FIR having been registered under Sections 354/354-A/509/506 of the Indian Penal Code, 1860.

It has been submitted on behalf of the applicant in Bail Appln. No. 154/2020 as well as qua the applicant in Bail Appln. No. 158/2020, that both, i.e., the father-in-law and the mother-in-law, have been falsely implicated in the instant case pursuant to an FIR which was got registered by the mother-in-law, Shakuntala Devi (applicant in Bail Appln. No. 158/2020) at Gurugram in relation to an incident of the date 6.12.2019 qua which the FIR was registered on 7.12.2019 against the prosecutrix qua the alleged commission of offences punishable under Sections 323/506 of the Indian Penal Code, 1860. It has been further submitted on behalf of the applicants that the FIR in the instant case was registered on 27.12.2019 qua an alleged incident of the date 6.12.2019 and has thus been registered with much delay and it has also been submitted on behalf of the applicants that the two other co-accused i.e., Himanshu Tigrania, the husband of the prosecutrix and Sachin Tigrania, the brother-in-law of the prosecutrix, respectively have been granted anticipatory bail vide order dated 10.1.2020 of the learned ASJ-03, Dwarka Courts, South West, observing to the effect that no custodial interrogation of the said persons was required. It has thus been submitted on behalf of the applicants that on a parity of reasoning, the applicants are also entitled

to grant of anticipatory bail in as much as no custodial interrogation of the applicants is also required.

On behalf of the State, the prayer made by the applicants is vehemently refuted submitting *inter alia* to the effect that there is not delay whatsoever in registration of the FIR in as much as the complaint was made by the complainant on the date 6.12.2019, i.e, the date of the incident itself and was diarized on 7.12.2019 by the Police Station Vasant Kunj (North) though the FIR was got registered only on 27.12.2019 and thus in the circumstances, in as much as the complaint of the prosecutrix was already submitted on 6.12.2019, it cannot be contended as sought to be contended on behalf of the petitioners that there was any delay in institution of the FIR.

Reliance is also sought to be placed on behalf of the State on the averments made in the statement of the prosecutrix under Section 164 of the Cr.P.C. recorded on 28.12.2019 before the learned Metropolitan Magistrate concerned at Dwarka Courts.

On a perusal of the statement of the prosecutrix under Section 164 Cr.P.C. and the averments made in the FIR, without any observations on the merits or demerits of the trial that may take place, the statement of the prosecutrix made under Section 164 of the Cr.P.C., which is on Oath, contains gross allegations of mental depravity against the father-in-law, i.e., applicant in Bail Appln. No. 154/2020.

In the circumstances, the prayer made by the applicant in Bail Appln. No. 154/2020, i.e., the father-in-law, seeking anticipatory bail is declined.

As regards the prayer made by the applicant in Bail Appln. No. 158/2020, i.e., the mother-in-law of the prosecutrix, the allegations levelled against her being to the effect that after the prosecutrix complained of the incident of the date 6.12.2019 when she had gone to give her UGC Net Examinations when she was allegedly molested by her father-in-law, she informed the mother-in-law, i.e., the applicant in Bail Appln No. 158/2020 of the incident who instead of protecting her or raising any objections qua the said acts had rather slapped, grabbed her hair and locked her in the room. The said applicant in Bail Appln. No. 158/2020 is on a parity of reasoning with other two co-accused in the instant case, i.e., Himanshu Tigrania and Sachin Tigrania, allowed to be released on bail in the event of arrest on her furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Trial Court with directions that the applicant of the Bail Appln. No. 158/2020, Smt.Shakuntala Devi shall not leave the country and shall not tamper with the evidence.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

JANUARY 21, 2020/sv