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

+ **BAIL APPLN. 2256/2020**

GOLU @ PARMOD

..... Petitioner

Through: Mr Prem Garg, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr Ravi Nayak, APP for State with
SI Kajal Rani, PS Prem Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.09.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, seeking anticipatory bail in connection with FIR No. 0289/2020 under Sections 354/354A/354D/341/323/509/506 of the IPC registered with PS Prem Nagar, New Delhi.

2. The said FIR was registered at the instance of Ms 'R' (name withheld). The petitioner is married and resides with his family in a house opposite the house of Ms R.

3. Ms R had alleged that the petitioner and his accomplices were harassing her from the last four to five years. She alleged that whenever her family members came to rescue her, they were brutally beaten by the petitioner and his accomplices. She stated that the petitioner and his

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accomplices pursued and harassed her whenever they found her alone and on many occasions, they had also molested and beaten her. She claimed that on all occasions, her family members were forced to compromise the matter as they feared the petitioner.

4. Ms 'R' had alleged that on 12.06.2020, the petitioner and his elder brother had beaten her brother. Resultantly, he had received injuries around his eyes and this had prompted her to file the complaint, which resulted in registration of the FIR in question.

5. Ms R's statement under Section 164 of the Cr.PC was recorded and she has supported the allegations made in the FIR.

6. On 21.08.2020, the petitioner had submitted certain video clips, which showed that there was an equal amount of aggression from the family members of Ms 'R'. One of the video clips that was viewed by this Court, showed one girl throwing stones in the direction of the person who had recorded the said video. Ms 'R' had identified that girl to be her sister. Ms R's explanation is that the petitioner had caught hold of her and therefore, her sister was attempting to rescue her. This court found the said explanation to be, *prima facie*, unpersuasive given the manner and the aggression with which the stones were being thrown.

7. In the aforesaid circumstances, this Court had directed the petitioner to join the investigation and had further directed the IO to examine the video clips and also make inquiries from the persons in the neighbourhood. This Court had issued the said directions also for the reason that as one of the allegations made in the FIR is that the petitioner and his family members are

quarrelsome and on account of their behaviour and conduct, several persons in the neighbourhood have sold their properties and moved out. Ms 'R' had also alleged that her family members are also attempting to sell the property but there are no buyers, because of the reputation of the petitioner and his family. In other words, her allegation is that no one is willing to reside in their neighbourhood.

8. The status report has been filed, which indicates that the IO had interrogated the petitioner. It is reported that during the interrogation, it was ascertained that the petitioner (and his family) and Ms 'R' (and her family) would often quarrel on petty issues such as drainage etc. The petitioner's allegation that he was being falsely implicated as Ms R's father did not want to return the money borrowed from him could not be verified as the was denied by Ms 'R'.

9. It appears from the status report that the *inter se* quarrels between two families have led to the incident on 12.06.2020. The MLC of Ms R's brother indicates that the injuries suffered by him are simple (abrasion and bruises).

10. The status report further indicates that inquiries were made from the persons residing in immediate neighbourhood. They did not confirm as to who had thrown the bricks but merely stated that they had seen them lying on the road.

11. The video clips also indicate that the residence of the petitioner and the residence of Ms 'R' are in close proximity and there is barely a distance of about eight to nine feet (which is the width of the road) between two houses.

12. Ms R has joined these proceedings. She states that the petitioner's family has placed video cameras on the second floor of their house which look directly into her residence, which is opposite to the petitioner's residence. She states that this invasion of privacy makes her and her family members very uncomfortable.

13. In view of the above, this Court does not consider that much purpose would be served to detain the petitioner in custody on account of the FIR in question. Accordingly, the petition is allowed and the petitioner is granted anticipatory bail on his furnishing a personal bond in the sum of ₹5,000/- with one surety of an equivalent amount to the satisfaction of the concerned IO/SHO/Duty Magistrate. This is also subject to following further conditions:-

- (a) that the petitioner shall maintain peace and ensure that there is no untoward incident;
- (b) he shall not try and contact the complainant or her family members directly or indirectly;
- (c) the petitioner shall provide a contact number and ensure that he is reachable on it at all times; and
- (d) the petitioner shall fully cooperate with the IO in the investigation.

14. The petitioner shall also ensure that there are no video cameras placed on his house that look into the residence of the petitioner. The CCTV cameras are for the purpose of security and therefore the petitioner shall ensure that the same are focused on the road or areas surrounding his house

and it do not in any manner impinge on the privacy of Ms 'R' and her family members.

15. The petitioner is also cautioned that if there is any breach of the present order, the anticipatory bail granted to him shall be revoked

16. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 10, 2020
RK/MK

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