

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

Reserved on : 28.01.2021

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Pronounced on : 04.02.2021

+ BAIL APPLN. 3820/2020

YASMEEN

..... Petitioner

Through Mr. Pradeep Dahiya, Advocate.

versus

STATE (GOVT.OF NCT)

..... Respondent

Through Mr. M.P.Singh, APP for the State
with SI Sohan Lal, P.S. Mehrauli.

Mr. Mehmood Pracha with Mr. Jatin
Bhatt, Advocates for complainant.

+ BAIL APPLN. 4162/2020

RUKSANA

..... Petitioner

Through Mr. Pradeep Dahiya, Advocate.

versus

STATE (GOVT.OF NCT)

..... Respondent

Through Mr. M.P.Singh, APP for the State
with SI Sohan Lal, P.S. Mehrauli.

Mr. Mehmood Pracha with Mr. Jatin
Bhatt, Advocates for complainant.

+ BAIL APPLN. 4093/2020

PARVEZ HUSSAIN

..... Petitioner

Through Mr. Pradeep Dahiya, Advocate.

versus

STATE (GOVT.OF NCT)

..... Respondent

Through Mr. M.P.Singh, APP for the State
with SI Sohan Lal, P.S. Mehrauli.

BAIL APPLN. 3820/2020, 4162/2020 & 4093/2020

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Digitally Signed By: KAMAL
KANT MENDIKATTA
Signing Date: 05.02.2021
17:10

Mr. Mehmood Pracha with Mr. Jatin Bhatt, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The petitioner has filed the present application U/s 438 Cr.P.C for grant of anticipatory bail in case FIR No. 132/2020 U/s 307/120B/498A IPC registered at PS Mehrauli, New Delhi.

2. Briefly stated the facts of the case are that on 12.03.2020, an information was received from Max Hospital Saket at P.S. Mehrauli that patient namely Anisha W/o Zahid Khan was admitted in hospital vide MLC No. 2624/20 after jumping from roof. The said information was lodged vide DD No. 21 A and entrusted to SI Sohan Lal. In the meanwhile, a PCR call was also received that Satbari Village near Biscuit Factory caller's sister has been thrown from roof by the in-laws, the same was lodged vide DD No. 22 A and entrusted to SI Sohan Lal. In the evening, father of injured namely Ali Hassan S/o Marhoom Haji Sunni reached at police station and gave his written complaint against Zahid Hussain, Mau Zakir Hussain, present petitioners namely (Rukhsana, Yasmin, Parvez), Yasin Khan, Sajid and Dilbag alleging that all of them attempted to kill his daughter. It is alleged by the complainant in his complaint that he married his daughter Anissa on 29.03.2015 to Zahid Hussain and in the marriage he gave dowry more than his status, but after the marriage, the said persons started abusing, beating and threatening her daughter to bring more money from her house or else

they would kill her. It is further alleged by the complainant that to fulfill their demand he firstly gave Rs. 40,000/- and second time he gave Rs. 50,000 to the said persons but the demand of dowry, abuses, beatings and harassment to her daughter by the said persons did not stop.

3. The complainant further alleged in his complaint that on 12.03.2020, at around 7:30 a.m. his daughter's mother-in-law Rukhsana, Dewar Parvez, Nand Yasmin and husband Zahid Hussain beat her daughter badly and took her to the terrace and threw her in the street from the third floor. According to the complainant, when he reached there he came to know that her daughter was taken to Max Hospital where her treatment is going on. On the above complaint of the complainant, the present FIR No. 132/20 dated 12/03/20 U/s 307/120B/498A IPC was registered at PS Mehrauli, New Delhi.

4. The state was called upon to file the status report.

5. I have heard Ld. counsel for the petitioners, Ld. APP for the State, perused the status reports and the records of this case.

6. It is submitted by the Ld. counsel for the petitioners that petitioner Yasmeen is the sister-in-law and is a 20 year old young unmarried girl, petitioner Ruksana (mother-in-law) is an old lady suffering from various ailments since a long time and has already undergone two surgeries, petitioner Parvez Hussain, Dever (brother-in-law) is a 19 years old young unmarried boy and they all have been falsely implicated in the present case. It is further urged by the Ld. counsel for the petitioners that in the

investigation it has been established that the petitioners named in the FIR were not present at the spot. He further submitted that the statement of the victim's daughter was recorded U/s 164 Cr.P.C in which she has only made allegations against her father i.e. the husband of the victim. He further submitted that the statement of the complainant was recorded U/s 161 Cr.P.C. on 07.04.2020 and in this statement also she has not stated that the petitioners were with accused Zahid when she was thrown from the third floor of the house. He further submitted that thereafter statement of the victim was recorded U/s 164 Cr.P.C. on 20.08.2020 and in this statement she improved her initial version which was given by her on 07.04.2020 and falsely implicated the petitioners. He further submitted that daughter of the victim/injured was with the complainant and his family at the time when her statement U/s 164 Cr.P.C was recorded, so there was no question of tutoring the child who made truthful deposition before the Magistrate.

7. It is submitted by the counsel for the petitioners that the petitioners have been granted interim protection by this court as well as by the court of A.S.J and have never misused the indulgence shown by the Court. He further submitted that there are no allegations that the petitioners tried to influence the witnesses or tamper with the evidence in any manner.

8. Ld. APP for the state argued on the lines of his status report and contended that there are specific allegations against the petitioners and they have not co-operated in the investigation. He further submitted that as per the MLC, injuries have been opined to be dangerous in nature. He further submitted that the offence is serious in nature.

9. Sh. Mehmood Pracha, Advocate appeared on behalf of the complainant and he also addressed his argument and contended that the husband of the victim and his father are in Delhi police so no fair investigation has been contended. He also submitted that the allegations against the petitioners are grave in nature.

10. The petitioners were granted interim protection by the Sessions Court on 04.04.2020, 19.05.2020 & 30.06.2020. As per the Status report the petitioners have joined the investigation as and when called by the IO. It is one of the contentions of the Ld. APP that the petitioners have not co-operated in the investigation, however, it is not stated by the Ld. APP as to in what manner, the petitioners have not co-operated in the investigation. I have perused the status report filed on record and in the status report it is not stated that the petitioners have not co-operated in the investigation. There is nothing on record to show that during the period when the petitioners were on interim protection, they tried to influence the witnesses or tamper with the evidence.

11. I have perused the statement U/s 164 Cr.P.C given by the daughter of the victim, statement U/s 161 Cr.P.C given by the victim on 07.04.2020 and also her statement U/s 164 Cr.P.C recorded after 4 months of the recording of the statement U/s 161 Cr.P.C. In the statement, given by the daughter of the victim and the statement given by the victim U/s 161 Cr.P.C., there is no mention that the petitioners were present when the victim was thrown from the third floor and this fact only find mentions in her subsequent statement recorded U/s 164 Cr.P.C. So, keeping in view these facts and

circumstances, and also the fact that the petitioners have joined the investigation, it is ordered that in the event of arrest, the above petitioners be released on bail on their furnishing a personal bond in the sum of Rs. 20,000/- each with one surety each of the like amount subject to the satisfaction of the IO/SHO concerned. However, they are directed to join the investigation as and when required by the IO. All the petitions are disposed of accordingly.

12. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

FEBRUARY 04, 2021

Sumant

