



\$~44

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

% *Order pronounced on 23.08.2022*

+ BAIL APPLN. 1400/2022

SHAMSHUL NISHA Petitioner

Through: Mr. Satya Dev, Adv.

versus

THE STATE NCT OF DELHI Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is an application for grant of anticipatory bail in case FIR No. 290/2022 under Sections 307/323/342/354/354B/506/509/34 IPC registered at PS Jafrabad.

1.1 It has been submitted that the petitioner is a law abiding senior citizen aged 62 years and is residing with her family members. The wife of her son, namely, Reshma has lodged an FIR, on the allegation that on 29.03.2022 at about 4:30 AM, her husband, her dewar Salman @ Talib, her father-in-law and her mother-in-law (petitioner) came into her room and her husband started slapping her on face, brother-in-law used unparliamentary language and touched her in an inappropriate manner and mother-in-law pressed her neck with a *dupatta* and abused her and then they confined her in a room.

1.2 It is further alleged that later on the complainant called at number 112 and in the meantime, her father arrived at the matrimonial home.



1.3 It is further submitted that marriage of the son of the petitioner, namely, Khalid was solemnized with complainant on 25.10.2013. No child was born although the complainant was given best medical treatment. There is no demand of dowry and the FIR has been lodged by the complainant on the basis of false allegations. Rather, it was the family members of the complainant, who misbehaved with the applicant and her family members. Father of the complainant made a call to police making false allegations against the petitioner and her family members. A complaint was also made by the son of the complainant to police but no action has been taken on the said complaint. The petitioner is suffering from various ailments and she is not keeping good health. Her anticipatory bail application was dismissed by the Court of learned ASJ on 30.04.2022. Section 307 and 34 IPC were added later on although these were not there in the initial FIR. Petitioner shows her willingness to join investigation as and when required by the IO.

2. Notice was issued. Status Report has been filed.

2.1 The brief facts stated in Status Report are that on receiving of DD No. 46 A at PS Jafrabad on 29.03.2022, ASI Satyadev visited the spot and thereafter he went to Jag Pravesh Chandra Hospital, where complainant was taken and subsequently he visited to GTB Hospital. Injured was found under treatment. The statement of the complainant was recorded after treatment, which culminating in registration of the FIR against the present petitioner and other accused persons.

2.2 The main allegation in the FIR against the present petitioner is that she strangulated the complainant with her *dupatta*. The statement of complainant was also recorded under Section 164 Cr.P.C. as she had levelled allegations against her brother-in-law *dewar*. On 03.04.2022,



Section 307 IPC was added. The final result of the MLC of the injured was obtained and the nature of injury is “Simple”. It has been submitted that the accused persons are intentionally avoiding their arrest.

3. I have heard the learned counsel for the petitioner as well as the learned APP.

3.1 The first document to be seen is the medical summary prepared at Jag Pravesh Chandra Hospital, where the complainant was initially taken. She has given the history of the incident to the doctor on duty, who has written “A/H/O Physical assault on 29.03.2022 around 4:00 a.m. by husband at above mentioned address”. The time when she was taken to hospital is 11:25 a.m. on 29.03.2022. Later on she was referred to GTB Hospital, where the history given is “Physical Assault at 4:00 a.m. on 29.03.2022 at above mentioned address”. The word ‘husband’ is missing in this MLC.

3.2 The statement was given by the complainant in the police station on the same day in the evening at around 10 p.m., wherein specific roles have been assigned to the husband, brother-in-law, father-in-law and the present petitioner.

3.3 However, without entering into the merit of the case and the fact that petitioner is a woman and a senior citizen and the nature of injury on the person of the complainant has been termed as “Simple” and the petitioner is ready to join investigation, I am inclined to admit the present petitioner to anticipatory bail.

3.4 In the event of arrest, she be admitted to bail on execution of personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the IO/SHO/concerned court subject to the following conditions:-

- (i) The petitioner shall join the investigation as and when called.



- (ii) The petitioner shall not contact or threaten the witnesses in the present case during the bail period.
 - (iii) The petitioner shall not leave the jurisdiction of this Court without permission of the concerned Court.
4. The petitioner shall join the investigation on 02.09.2022 at 3.30 p.m. before the IO and thereafter she shall join the investigation as and when she is called.
5. The bail application is disposed of.

TALWANT SINGH, J

AUGUST 23, 2022

nk

[Click here to check corrigendum, if any](#)

