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

Order reserved on :11/07/2022

Order pronounced on :17/08/2022

+ **BAIL APPLN. 1824/2022**

YASH GUPTA

..... Petitioner

Through: Mr. Atul Bandhu and Mr. Saurabh
Agarwal, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, Addl.PP for State
IO Insp. Vijay Kumar, PS S.B. Dairy

CORAM:

HON'BLE MS. JUSTICE POONAM A. BAMBA

POONAM A. BAMBA, J.:

1.0 Vide this petition under Section 438 Cr.P.C, the petitioner has sought anticipatory bail in case FIR No. 129/2022 u/S 354/354B/509/34IPC, dated 02.03.2022 PS Saket.

2.0 Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Earlier, the complainant (petitioner's bhabhi) had filed a false complaint on which, FIR no. 170/2022 under Sections 498A/406/34 IPC was registered against the petitioner and 16 of his family members. They were not arrested in the said case. Subsequently, in order to further harass the petitioner and his family members, the complainant lodged a new false complaint on which, the present FIR no. 129/2022 under Sections 354/354B/509/34IPC came to be registered.



2.1 It is further submitted that actually on the day of the alleged incident, the complainant alongwith her family members trespassed into the hotel of the petitioner and picked up a fight with him and his family members and caused damage to their hotel property. On the petitioner resisting the same, the complainant falsely implicated all the family members of the petitioner herein, although, all were not even present there.

2.2 It is also submitted that the co-accused namely Vishal Gupta i.e. the petitioner's cousin brother had also lodged a complaint with the police but the same was not received stating that the dispute between the parties was a family dispute and FIR under Section 498A/406/34 IPC has already been registered; and therefore, there is no need of separate complaint. But the above FIR was registered at the complainant's instance.

2.3 Learned counsel for the petitioner further submitted that in the FIR, there is no allegation of outraging of modesty of the complaint.

2.4 It was also submitted that the petitioner is ready and willing to join investigation as and when called. Rather, the petitioner had joined investigation pursuant to notice under Section 41 A Cr.P.C.

2.5 It is further submitted that the petitioner is a resident of Delhi and there is no chance of his absconding and tampering with evidence. He has no other involvement in any criminal case.



3.0 Status report dated 11.07.2022 filed by the State mentions that the petitioner and other accused persons were issued notices under Section 41A Cr.P.C; and pursuant to such notices dated 25.06.2022, the present petitioner and other accused persons had joined investigation and have sought time for submitting reply.

4.0 In view of the above facts and circumstances and as the petitioner has already joined investigation, it is directed that in the event of arrest, **let the petitioner be admitted to bail on personal bond in the sum of Rs. 25,000/- with one surety of the like amount** to the satisfaction of SHO/Arresting Officer/Investigation Officer subject to the following terms and conditions:

- i. the petitioner shall join investigation as and when required;
- ii. the petitioner shall provide his mobile number to the Investigation Officer which shall always be kept on “ON” Mode.
- iii. the petitioner shall not contact or influence the complainant/any other witness in any manner;
- iv. the petitioner shall not tamper with the evidence of the case.
- v. in case of change in address, the same shall be duly intimated in advance to the Investigation Officer/concerned court.

5.0 Petition is disposed of accordingly.



6.0 Pending applications, if any, stand closed.

(POONAM A. BAMBA)
JUDGE

AUGUST 17, 2022/g.joshi

Click here to check corrigendum, if any

