

\$~51

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Order pronounced on 17.10.2022*

+ BAIL APPLN. 1917/2022 & CRL.M.A. 12174/2022

SABIYA PARVEEN

..... Petitioner

Through: Mr. Mehmood Pracha, Mr.
Aayushman Agarwal, Mr. Azeem
Mehmood Alvi, Mr. Jatin Bhatt, Mr.
Sonawar Choudhary, Advocates.

versus

STATE

.....Respondent

Through: Mr. N.S. Bajwa, APP for State.
Insp. Praveen Kumar, PS
DIU/NE/Distt.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. It has been submitted that FIR No.292/2022 was registered on 27.03.2022 under Section 388/323/342/427/120B/34 IPC at PS Bhajanpura. The applicant has not been served with any notice under Section 41A Cr.P.C. to appear before any police official but she was being threatened by the police officials.

1.1 After filing of the charge sheet under Section 173 Cr.P.C. against the sister of the present petitioner, it came to her knowledge that she has been falsely and maliciously implicated in the present case. Non-bailable warrants have been issued against the petitioner on 17.05.2022 on the basis of false allegations made by the police officials before learned Metropolitan Magistrate.

1.2 The petitioner filed an application for cancellation of non-bailable

warrants and an application for anticipatory bail, was also moved, which was dismissed on 17.06.2022. Hence, the present petition for anticipatory bail has been moved on the grounds that the petitioner is apprehending arrest due to the threats extended by the police officials; she has been falsely implicated in the present case; order dated 17.06.2022 was passed by learned ASJ on erroneous grounds; there is no evidence against the applicant; none of the offence mentioned in the FIR provides for a punishment beyond 7 years; there are no independent witnesses; the petitioner is covered by the judgement of the Hon'ble Supreme Court in the matter of '*Arnesh Kumar v. State of Bihar, MANU/SC/0559/2014*' and she undertakes to abide by all the terms and conditions imposed by this Court.

2. Notice was issued. Status Report has been filed in which it is mentioned that the complainant had hired a room on rent from the accused Momin to celebrate the birthday of his female friend. The hire charges were paid in advance. When he tried to open the door of the room after half an hour, he realised that the same was locked from the outside. He called his friend Humza through mobile phone who reached there and Momin allowed Humza to enter that room and again locked the room from outside. After 10 minutes, two ladies opened the door and came inside the room, who abused the complainant and his friends alleging that they were indulging in wrong acts and threatened them to hand over them to the police. They also assaulted the complainant and his friends. The present petitioner had tried to record a video of the incident.

2.1 Another person named Manoj reached there and introduced himself as the SHO and they demanded Rs.2 lacs each from the complainant and his friends and threatened to implicate them in a rape case. Certain persons

assembled outside the property. Police also reached there and they apprehended Momin on the spot while other accused persons slipped off.

2.2 The charge sheet stands filed against the present petitioner and against one co-accused. The petitioner is previously involved in case FIR No.41/19 under Section 451/188/506/268 IPC. Co-accused Manoj is still absconding, hence, the bail has been opposed.

2.3 Non-bailable warrants have been issued against the petitioner. After grant of protection by this Court, the present petitioner has joined the investigation. As per her, on 30.09.2021, her sister Shahana told her to give Rs.15,000/- to one Manoj, and accordingly, she had transferred the said amount telephonically to Manoj, who did not return the said amount, so on 26.03.2022 she went to the place of occurrence to take back her amount from Manoj.

2.4 As far as allegation of making video by her, she stated that she tried to take a video but recording could not be done in her mobile phone. She had neither beaten nor threatened anyone. Her mobile phone has been seized and sent to FSL for seeking expert opinion. The location of the petitioner was found at the spot and she herself stated that she had tried to make a video, which shows that she had intention of threatening the complainant in order to extort money from them, hence, her bail application has been opposed.

3. In the present case, co-accused Shahana, sister of the present petitioner has been granted bail today. The house in question belongs to Shahana. The only allegation against the present petitioner, as per the complainant, is that she tried to make a video with her mobile phone of the incident which, the petitioner has stated that she could not make although she tried to do so. Under protection from this Court, she has already joined

the investigation. The investigation is already over and the charge sheet stands filed.

4. Keeping the above facts in view and that the role of the present petitioner in the entire episode, I am inclined to grant her protection of anticipatory bail on certain conditions and in case of arrest, she be released on execution of personal bond of Rs.25,000/- with one surety of the like amount to the satisfaction of concerned Court/I.O. on the following conditions:

- (i) She shall not leave the jurisdiction of this Court without seeking permission from the concerned Court;
- (ii) She shall not try to influence or induce the witnesses in the present case;
- (iii) She shall appear before this Court as and when directed.

5. The application is accordingly disposed of.

TALWANT SINGH, J

OCTOBER 17, 2022/pa

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