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

+ **BAIL APPLN. 871/2023**

NEERAJ JAIN

..... Petitioner

Through: Mr. Piyush Gupta, Mr. K.S. Negi, Mr. Karan Aggarwal, Mr. Nishant Shinghal, Mr. Ashish Mittal, Mr. Sachin Chaudhary and Mr. Amit Sharma, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Deepak Kr., PS Anand Vihar. Complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.04.2024

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1. By way of the present application filed under Section 438 Cr.P.C., the petitioner/applicant seeks anticipatory bail in FIR No. 520/2022 registered under Sections 498A/406/323/377 IPC at PS Anand Vihar.

2. Mr. Piyush Gupta, learned counsel for the applicant states that the parties were married for about 20 years and that the dispute arises out of a property dispute between the parties. He submits that the parties had also entered into a Memorandum of Settlement on 15.06.2022. He further submits that after the grant of interim protection, the applicant has joined the investigation on multiple occasions.

3. He further states that insofar as the offence under Section 377 IPC is concerned, only vague allegations have been levelled in the FIR. It is stated that the present FIR was lodged after the complainant had already lodged another FIR being FIR No.509/2022 registered under Sections



466/467/471/474/120B/34 IPC at P.S. Anand Vihar. He submits that the present FIR has been lodged only with *malafide* intent, as the complainant had not filed any earlier complaint alleging the aforesaid, during the subsistence of marriage.

4. Mr. Sanjeev Sabharwal, learned APP for the State duly assisted by learned counsel for the complainant, has opposed the application. It is stated that the allegations in the FIR are serious. It is also stated that during the pendency of the bail hearing before the Trial Court, an incident is alleged to have taken place wherein the applicant had hit the complainant, for which another FIR came to be registered. He, on instructions from the IO, submits that the applicant has joined investigation and that charge sheet will be filed today itself.

5. On a perusal of the record, it appears that apparently there is a dispute pending between the parties with respect to properties as well as directorship of one company namely *RBN Equity Consultants Private Limited*. In the said dispute, the complainant claims to be a director in the said company and has alleged that her letter of resignation was forged by the applicant, for which FIR being FIR No. 509/2022 has been lodged. In the said case, the FSL report supports the applicant and the chargesheet has been filed keeping the applicant's name in column No. 12.

6. In the present case, on a reading of the allegations, *prima facie*, it appears that no specific allegations exist with respect to the instances relating to the sections invoked. The applicant is also stated to have joined the investigation.

7. Keeping in view the aforesaid facts and circumstances and the fact that the applicant has joined the investigation, the interim protection granted



to the applicant vide order dated 20.03.2023 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹50,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.

10. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

APRIL 16, 2024/pa