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

+ **BAIL APPLN. 742/2024**

ASMA

..... Applicant

Through: Ms. Pratiksha Tripathi,
Mr. Rohit Kumar, Ms.
Himanshi Singh and Mr.
Abhilash Bhutani, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Utkarsh, APP for the
State with SI Saurabh, PS
Malviya Nagar.

+ **BAIL APPLN. 71/2024**

MRS UZMA

..... Applicant

Through: Ms. Pratiksha Tripathi,
Mr. Rohit Kumar, Ms.
Himanshi Singh and Mr.
Abhilash Bhutani, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Pradeep Gahalot, APP
for the State SI Saurabh,
PS Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **05.03.2024**

1. The present applications have been filed by the applicants under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest bail in FIR No. 612/2023 dated 21.11.2023, registered at Police Station Malviya Nagar, for offences under Sections 323/341 of the Indian Penal Code, 1860 ('IPC'). Subsequently, Sections 308/354/506/34 of the IPC were added in the FIR. During the course of investigation, Section 308 of the IPC was replaced by Section 307 of the IPC.



2. It is pointed out that Mrs. Uzma, the applicant in BAIL APPLN. 71/2024, was granted interim protection by this Court by order dated 08.01.2024.
3. It is also relevant to note that Ms. Asma, the applicant in BAIL APPLN. 742/2024, was granted interim protection by this Court by order dated 29.02.2024.
4. It is not disputed that the applicants have since joined the investigation.
5. This Court while granting interim protection to Mrs. Uzma had noted that a cross-FIR in relation to the incident has also been registered at the instance of the family of the applicants. Applicant Uzma had also suffered a fracture during the altercation.
6. It is not disputed that the complainant/ injured victim and the applicants are half siblings born to different mothers. It is stated that the applicant Asma is the sister of the applicant Uzma and they are the siblings of the injured victim from the second marriage of their father.
7. The learned counsel for the applicant submits that the injured victim runs his business on the ground floor of the building where the applicant Uzma resides. She further submits that an altercation took place between the family members of the applicants and the family members of the injured victim due to some dispute over water supply, which led to the registration of the cross-FIRs.
8. The learned Additional Public Prosecutor for the State, on instructions from the Investigating Officer, submits that custodial interrogation of the applicants, at this stage, is not required.
9. The applicants are woman. The CrPC recognizes that special consideration has to be accorded to women while



considering their bail applications, even if the offence in question is punishable with death or life imprisonment.

10. In view of the above, the applicants, in the event of arrest, are directed to be released on bail on respectively furnishing a personal bond of ₹10,000 with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicants shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicants shall appear before the learned Trial Court as and when directed;
- c. The applicants, under no circumstances, will contact the victims;
- d. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- e. The applicants shall give their mobile numbers to the concerned IO and shall keep their mobile phones switched on at all times. They shall also inform the IO about any change in their contact details;
- f. The applicants shall not leave the Country without the permission of the learned Trial Court.

11. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail applications, and should not influence the outcome of the trial. The said observations should not be taken as an expression of opinion on the merits of the cases.

12. The present applications are allowed in the aforesaid terms.



13. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

MARCH 5, 2024 / 'KDK'