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

+ **BAIL APPLN. 1349/2023 and CRL.M.A. 10894/2023**

ASHOK KUMAR SAINI

..... Petitioner

Through: Mr.Subham Kumar Jain and Mr.Vaibhav
Dubey, Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Aashneet Singh, APP for State with
SI Vivek Tomar, PS Govind Puri
Mr.Dinesh Kumar, Advocate for complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.02.2024

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1. The present application has been filed under Section 438 of the Cr.PC. seeking anticipatory bail in FIR No.198/2023 registered under Sections 498-A/406/34 IPC at P.S. Govind Puri.
2. Learned counsel for the petitioner/applicant submits that the applicant, who is the father-in-law of the complainant, is around 63 years old and the complaint arises out of the matrimonial dispute between the applicant's son and the complainant. The marriage between the applicant's son and the complainant was solemnized on 22.04.2022. He further submits that in the complaint filed on 24.01.2023, the complainant had only stated that the applicant had molested her however, no further details or even date was mentioned. Subsequently, in her statement under Section 164 Cr.P.C.



that was recorded after two months, the complainant vastly improved her allegations, which is clearly an afterthought. The husband of the complainant is already released on bail and pursuant to the interim protection granted by this Court on 25.04.2023, the applicant has also joined the investigation.

3. Learned APP for the State duly assisted by learned counsel for the complainant, has opposed the bail application. It is stated that the role of the applicant was stated by the complainant in her statement recorded under Section 164 Cr.P.C. Further, the complainant has filed the application seeking cancellation of the bail granted to the complainant's husband which is pending consideration.

4. Keeping in view the aforesaid facts and circumstances and the fact that there is neither any specific date nor any specific allegation against the present applicant in the initial complaint filed by her, the interim protection granted to the applicant vide order dated 25.04.2023 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 ₹25,000/- 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 inform the concerned Investigating Officer about his current residential address.



(iii) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.

(iv) 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.

(v) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.

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

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2024

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