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

+ **BAIL APPLN. 1392/2024**

AJAY KUMAR

.....Petitioner

Through: Mr. R.C. Bhargav, Mr. H.C. Bhargav,
Ms. Swarnika Bhargav and Mr.
Lokesh Kumar Mishra, Advs.

versus

STATE (GOVT OF NCT OF DELHI) AND ANR.Respondent

Through: Mr. Hitesh Vali, APP for the State
with SI Jyoti, PS Subzi Mandi.
Mr. G.S. Sharma and Mr. R.A.
Sharma, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
08.10.2024

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1. This petition has been filed seeking anticipatory bail in FIR No. 140/2024 PS Subzi Mandi under Sections 498A/406/376/34 IPC.
2. As per the case of the prosecution, an FIR was registered on a complaint filed by the prosecutrix aged about 33 years regarding allegations made in respect of her husband Jatin Kumar, whom she was married on 02nd December, 2022. The allegations essentially revolved around demands of dowry, alleged sexual assault by the petitioner who was the relative, and humiliation by in-laws and other allegations including inhuman behaviour.
3. Counselling session was held before the CAW Cell, however, parties could not arrive at any settlement. The FIR was registered thereafter. Later, further allegations were made by the prosecutrix, statements were recorded



under Sections 161/164 Cr.P.C., improvements were made on the narration given in the FIR, and the petitioner was implicated subsequently.

4. The allegations in the FIR are related to the husband Jatin Kumar and the family. Notices were issued under Section 41A Cr.P.C. to the co-accused as well as the petitioner. The petitioner joined the investigation.

5. Counsel for the petitioner had argued that the petitioner was the brother of the father-in-law of the prosecutrix and the FIR was a counterblast to the divorce petition and DV Act case filed against the prosecutrix. The Court had further noted on 24th April, 2024 as under:

“According to the learned counsel, divorce petition was filed by the husband of the prosecutrix in August 2023 and notice in the same was issued on 04.08.2023 whereas in D.V. Act case filed by the mother-in-law of the prosecutrix, the notice was issued on 21.08.2024 whereas the present FIR was registered much later i.e. on 17.02.2024. He submits that the allegations made in the FIR are absolutely false.”

6. Accordingly, notice had been issued and directions were given for no coercive action to be taken against the petitioner in the interim.

7. Fresh status report has been handed up in Court, as per which it is noted that investigation is complete and charge-sheet has been filed. Relating to the *fracas*, which apparently occurred in the police station on 17th August, 2024 PS Subzi Mandi, a detailed status report has been filed pursuant to directions of this Court on 20th August, 2024.

8. From a perusal of the status report, no specific implications can be made on the petitioner for being responsible for the said chaos which occurred at the police station.

9. The APP for the State has stated on instructions that he has also perused the CCTV of 17th August, 2024 carefully and states on instructions



that it cannot be said that the petitioner was responsible for the same.

10. Accordingly, the investigation being complete and the charge-sheet being filed, the petition is allowed. Petitioner is granted anticipatory bail, subject to him joining and cooperating in any further investigation.

11. Fresh status report be placed on record by the APP for the State.

12. Consequently, in the event of arrest the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 25, 000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the petitioner will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 8, 2024/MK