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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1942/2023**
KUSUM Petitioner

Through: Mr. Pavitra Veer Singh, Adv.

Versus

THE STATE Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with Insp. Rajesh Sinha (I.O),
SHO, PS. Madhu Vihar.
Mr. Mohd. Imran, Adv. along with
complainant in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN
ORDER
% **12.02.2024**

1. The present petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking anticipatory bail in connection with FIR No. 75/2023 under Sections 302/323/34 IPC registered at Police Station Madhu Vihar.
2. The case of the prosecution is that on 10.03.2023 at about 03:00 p.m., the complainant telephoned her husband and asked about his whereabouts as heard the noise of some quarrel. She found that many people were gathered and she saw that Sharai, his brother Lucky, his sister Priyanka and his mother along with two unknown young boys were giving beatings to her husband. All the assailants had attacked her husband with lathi, dandas and had also given



several knife blows. Later, Bharat and Priyanka also attacked the complainant due to which she also sustained injuries. This led to the registration of the aforesaid FIR.

3. The learned counsel for the petitioner submits that the CCTV footage on which the reliance has been placed does not show any overt act on part of the petitioner in the commission of crime, rather she is seen stopping and obstructing the co-accused from giving beatings to the deceased.

4. The CCTV footage was played in the Court. It will not be appropriate to give detailed account of the incident captured in the CCTV footage as the same will be considered during the trial. At this stage, suffice it to say that the contention of the petitioner's counsel does not seem to be wholly without substance.

5. Notice was issued in the matter on 01.06.2023 and interim protection was granted to the petitioner subject to the condition that she will join investigation as and when directed by the I.O concerned.

6. The learned counsel for the petitioner submits that the petitioner has joined investigation as and when directed by the I.O concerned, which position is not disputed by the learned APP for the State, on instructions from the I.O, who is present in Court. Thus, the petitioner is no more required for any further investigation.

7. In view of the above, it is directed that in the event of petitioner being arrested, she be released on bail subject to her furnishing personal bond in the sum of Rs. 20,000/- and a surety bond of the like amount to the satisfaction of the Investigating Officer / Arresting Officer with further subject to the condition that she will join investigation as and when directed by the IO concerned and shall not communicate with or come in contact with



complainant or any other witnesses.

8. The petition stands disposed of.
9. Order *dasti* under signatures of the Court Master.
10. Order be uploaded on the website of this Court.

FEBRUARY 12, 2024/dss

VIKAS MAHAJAN, J