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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 1495/2024

INSHAD SAIFI

.....Petitioner

Through: Mr.Mritunjay Singh and Ms.Sangeeta
Tomar, Advocates

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Anuradha

Mr.Sanjeet Paliwal and Mr.Shiv Pratap Singh,
Advocates for complainant with complainant in
person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.07.2024

1. By way of present application, the petitioner/applicant seeks anticipatory bail in FIR No.180/2024 registered under Sections 376/506 IPC at P.S. Harsh Vihar, Delhi.
2. The applicant claims that he is the father-in-law of the complainant and that the present FIR has been filed against him by his daughter-in-law.
3. Learned counsel for the applicant submits that the complainant remained in the matrimonial home only for a period of 20 days. He submits that the husband of the prosecutrix also gave complaints on 12.01.2024 and 23.02.2024 to the local police. In support of the contention that the present case has been lodged upon false allegations, learned counsel has placed reliance on the WhatsApp chats exchanged between the prosecutrix and her husband, which indicate that no such incident is alleged to have occurred on



26.12.2023, as she did not make any complaint relating to the same. Learned counsel further submits that the applicant's son has already handed over mobile phone containing the aforesaid chats to the I.O. and has further taken steps to activate the SIM which was purchased and given by the applicant's son to the prosecutrix for use.

4. Learned APP for the State, duly assisted by learned counsel for the complainant/prosecutrix, on the other hand, has opposed the bail application. It is stated that on the CDR analysis of the applicant's mobile phone, it has come on record that he was on the same location as the prosecutrix on the date and time of the incident. It is further stated that during the course of investigation, it has also come on record that other persons namely *Apsana, Junaid, Akram & Javed* were also present at the home on the ground floor whereas the incident occurred on the second floor of the same house.

Learned APP, on instructions from the I.O., submits that mobile phone seized from the applicant's son has already been sent to FSL and that the said phone shows chats between the applicant's son and the prosecutrix for 26.12.2023 and do not reflect any complaint of any incident. He submits that the FSL report is still awaited.

5. I have heard learned APP for the State as well as learned counsels for the parties and have also gone through the WhatsApp chats placed on record, which are verified to be existing on the mobile phone which has been seized and sent to FSL. A perusal of the said chats does not make a mention of any incident on the said date. Further, the location of the applicant at the same place is also not of much consequence as the applicant is a resident of the same house.



6. Keeping in view the aforesaid facts and circumstances, the interim protection granted to the applicant vide order dated 30.04.2024 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to his 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 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 addresses/contact details, 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.

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

8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the



disposal of the present bail application.

JULY 5, 2024
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MANOJ KUMAR OHRI, J