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

+ **BAIL APPLN. 1563/2024**

PUMMO

..... Petitioner

Through: **Mr. Lahana Singh, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Mr. Satish Kumar, APP for the State
with Mr. Ashok Kumar Shukla, Mr.
Kamresh Vikrant Singh Nagar & Mr.
Prasanta Mish, Advocates**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

10.05.2024

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1. The instant application under Section 438 read with Section 482 of Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case arising out of FIR bearing No. 789/2015, registered at Police Station Ranhola, Delhi for offences punishable under Sections 323/341/354/313/506/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.
3. Briefly stated, the facts of the present case are that on 19.09.2015, a complaint was lodged by the complainant alleging that she had visited Kali Mata Mandir on Ranhola road, Delhi alongwith her daughter, and when about 8 PM, they were returning to their home, a Santro car had stopped



near them. In the car, the present applicant Pummo alongwith her daughter Nimmo, sons Veeru and Arun were sitting. It is alleged that the said persons, who are the distant relatives of the complainant, had approached the complainant and her daughter while they were waiting for bus, and the applicant herein had asked the complainant that she should ask her brother to return her money. It is further stated that the complainant had told the applicant that she had nothing to do with the money transaction, and after hearing this, the accused persons had started abusing her. It is alleged that co-accused Nimmo had caught hold of the complainant and the present applicant had kicked at her abdomen, and both sons of the applicant had also beaten the complainant and abused her in filthy language. Thereafter, the accused persons had left the spot. On these allegations, the present FIR was registered. It was also stated that the complainant was pregnant at the time of the incident in question.

4. Learned counsel for the present accused/applicant argues that the applicant herein is innocent and has nothing to do with the offence in question. It is further argued that she has no involvement in any other case and that the complainant has lodged the complaint due to some money dispute. It is further stated that the applicant is ready to join investigation as and when required by the accused and that the other co-accused persons have already been granted anticipatory bail. Therefore, it is prayed that the present bail application be allowed.

5. Learned APP for the State, on the other hand, opposes the present application and argues that process under Section 82 of Cr.P.C. has been initiated against the present applicant. It is further stated that she had failed to join investigation despite being granted interim protection, and therefore,



the present bail application be rejected.

6. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State, and has perused the material available on record.

7. A perusal of the case file reveals that co-accused persons have been granted anticipatory bail in this case. It is stated that the applicant had not joined investigation despite being granted interim protection, however, this Court notes that money dispute is pending between the parties and there is history of pending litigation between them. Further, they are also related to each other. There is also nothing on record to reveal that any serious injury was caused to the victim in this case. Though there are allegations of kicking the complainant in her stomach, the MLC does not reflect any allegations regarding any injury or danger being caused to the foetus of the complainant.

8. The applicant herein is about 66 years of age and is suffering from old age ailments. The record reveals that the co-accused i.e. applicant's daughter Nimmo has already joined investigation and she was granted anticipatory bail by the learned Trial Court.

9. Considering the overall facts and circumstances of the case, this Court is inclined to grant anticipatory bail to applicant/accused. In event of arrest, the applicant shall be released on personal bond in the sum of Rs. 15,000/- with one surety of the like amount subject to the satisfaction IO/SHO concerned, on the following conditions:

- i. The applicant will join investigation within two days from the date of passing of this order and as per the time given by the IO.
- ii. The applicant will not leave the country without prior permission



of the Court concerned.

iii. The applicant shall provide details of her residential address with the IO and shall also share her mobile number with the IO, on which she can be contacted if required.

10. Accordingly, the present application stands disposed of.

11. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 10, 2024/ns

[Click here to check corrigendum, if any](#)