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

+ **BAIL APPLN. 2904/2023**

GAURAV GILANI

..... Petitioner

Through: Mr. Neeraj Chaudhari, Mr. Shishir Mathur, Ms. Muskan Tyagi & Mr. Nishant Bardoshiya, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Satish Kumar, APP for the State with SI Mukesh Yadav, P.S.: Naraina..
Mr. Sandeep Puri, Advocate for R-2 with R-2 in-person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

02.04.2024

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1. The present bail application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 482 of the Cr.P.C., has been filed by the petitioner seeking anticipatory bail, in case arising out of FIR bearing No. 0224/2023, registered at Police Station Naraina, for offences punishable under Sections 376/377/354/354B/354C/323/506/34 of the Indian Penal Code. 1860 ('IPC').

2. Briefly stated it is the case of the prosecution that the complainant, who happens to be the daughter-in-law of the applicant/accused for the past ten years, also has a child out of wedlock with the applicant/accused's son. In her complaint, she has accused her father-in-law of rape under Section 376 IPC, along with allegations of unnatural sexual acts and harassment by



her husband. Additionally, she alleges that whenever she attempted to disclose the activities of her father-in-law to her husband or mother-in-law, her mother-in-law allegedly pressured her not to divulge the information to maintain the family's reputation. Pursuant to the above allegations the present FIR had been registered.

3. Learned Counsel appearing on behalf of the applicant submits that the allegations against the present applicant/accused are false and frivolous and that no such incident had ever taken place as described in the FIR and chargesheet. It is stated that there was some misunderstanding between both the parties and that had resulted in registration of the present FIR. It is further submitted that the charge sheet in the present case has been filed against the petitioner herein. The petitioner herein by way of the present application seeks anticipatory bail since the parties have compromised the matter and the petition for quashing of the subject FIR is listed today before this Court. Furthermore, the applicant/accused had joined the investigation as and when called by the Investigating Officer.

4. Learned APP for the State submits that the chargesheet in the present case has been filed and investigation qua the present applicant/accused is complete.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material placed on record. This Court takes note of the fact that the parties have compromised the matter and the petition for quashing of the subject FIR is listed today before this Court. However, this Court is not inclined to quash the subject FIR.

6. On a query put forth before the Investigating Officer that whether the petitioner had joined the investigation or not. It has been stated that the



petitioner had joined the investigation and chargesheet has been placed on record and no further interrogation is required.

7. Keeping in view all the facts and circumstances mentioned hereinabove, this Court is inclined to grant anticipatory bail to the applicant/accused on his furnishing personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

i) The applicant shall remain available on mobile numbers; shared by him with the Police.

ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.

iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO.

8. The bail application stands disposed of.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 02, 2024/at

Click here to check corrigendum, if any