



2024:DHC:6022



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

Date of decision: 02nd AUGUST, 2024IN THE MATTER OF:

+ **CRL.M.C. 5969/2024**

VANITHA DHANUK

.....Petitioner

Through: Ms. Sunita Arora, Advocate with
Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP for the
State.Insp. Sukhram Pal, SHO/New Usman
Pur.**CORAM:****HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD****JUDGMENT (ORAL)****CRL.M.A. 22804/2024 (Exemption)**

Allowed, subject to all just exceptions.

CRL.M.C. 5969/2024

1. Petitioner has approached this Court challenging the Order dated 16.10.2023, passed by the learned Additional Sessions Judge – 02, Karkardooma Courts, in SC No.300/2021, dismissing the application of the Petitioner herein seeking cancellation of bail granted to the Respondent No.2 herein by the learned Additional Sessions Judge vide Order dated 05.06.2021 in FIR No.122/2021, dated 12.03.2021, registered at Police Station New Usmanpur, for offences under Sections 451, 506, 509, 34 IPC and Section 3(1)(r)(s) SC/ST Act.



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2. The facts, in brief, leading to the present Petition, are that on 20.07.2020 there was argument between the family of the Petitioner herein and the family of the Respondent No.2 herein on the issue of parking of car. It is stated that the accused entered the house of the Complainant and broke utensils and other articles of the house. It is further stated that the accused persons also made casteist remarks against the Petitioner herein and threatened to kill her and her family members. Accordingly, on the complaint of the Petitioner herein, the present FIR was registered against the Respondent No.2 and other accused.

3. It is pertinent to mention that on 20.07.2020, an FIR being FIR No.424/2020, was registered against the Petitioner herein and her family members under Sections 509/506/34 IPC, on the complaint of one Karuna Sharma who alleged that on 20.07.2020 at about 02:20 PM, her neighbours – Ashok Dhanuk (father of the Petitioner herein) and his sons, namely, Kapil Dhanuk and Vinam Dhanuk, had a quarrel with her on the issue of parking of cars and Kapil Dhanuk abused her daughter – Rekha and also abused one Guddi Gupta (mother of the Respondent No.2 herein) and also extended threat to them.

4. It is pertinent to mention that Chargesheet in both the FIRs has been filed.

5. In the present case, it is stated that Respondent No.2 filed an application seeking bail in the event of arrest before the learned Additional Sessions Judge and the learned Additional Sessions Judge vide Order dated 05.06.2021 granted anticipatory bail to the Respondent No.2 herein. Relevant portion of the said Order reads as under:



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“In view of facts and circumstances of the case, IO/SHO concerned is here by directed to release the accused Shivam on bail concerned is here by directed to release the accused Shivam on bail, in the event of his arrest, on furnishing of personal bond of Rs 25,000/- and one surety of like amount, on due satisfaction. Accused shall not try to influence witnesses and shall also not have any contact, direct or indirect or quarrel with the complainant whatsoever. Accused shall not involve in similar type of cases in future. Accused shall share his mobile number and location with IO so that he may be contacted in any exigency. Accused shall not leave Delhi without permission of this Court. Any violation of any condition will attract the ground for cancellation of bail. With these observations application disposed of. Copy of order be sent to counsel.”

6. Pursuant to the said Order, an application for cancellation of bail has been filed by the Petitioner herein on the ground that Respondent No.2 has threatened the family members of the Petitioner and has misused the liberty granted by the Court. While hearing the said application the learned Additional Sessions Judge called for a Local Report. The Ld. ASJ perused the Local Report wherein it is stated that it appears that the Petitioner has filed the application for cancellation of bail to put pressure on the Respondent No.2 as there are cross complaints between the parties. The learned Additional Sessions Judge, therefore, rejected the application of the Petitioner herein *vide* Order dated 16.10.2023. It is this Order which is under challenge in the present Petition.

7. Heard the Counsels and perused the material on record.

8. From the Order of the learned Additional Sessions Judge it appears that the Respondent No.2 has already been admitted on regular bail and,



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therefore, the Order of anticipatory bail does not survive. The Order passed by the learned Additional Sessions Judge also shows that Respondent No.2 has only been charged with offences under Sections 451/506/509/149 IPC and has been discharged of the offences under the SC/ST Act.

9. Undoubtedly, the Petitioner and the Respondent No.2 are neighbours and there are complaints and cross complaints between the parties on petty issues like parking. The Apex Court has time and again held that ordinarily Courts do not interfere with the Orders granting bail. In the present case, the learned Additional Sessions Judge has come to the conclusion that the Respondent No.2 has not violated any of the conditions on which bail was granted to the Respondent No.2. The learned Additional Sessions Judge has also observed that it appears that the application for cancellation of bail has been filed by the Petitioner only to put pressure on the Respondent No.2 and his family members.

10. In view of the above, this Court does not find any reason to interfere with the Order passed by the learned Additional Sessions Judge.

11. Accordingly, the Petition is dismissed, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

AUGUST 2, 2024

Rahul