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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6981/2024**

NITIN KAPOOR

.....Petitioner

Through: Mr. Bhoopendra Kumar &
Ms. Santoshi Yadav.

versus

THE STATE OF DELHI OF NCT AND ANOTHER

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Vikash Fageria, PS
Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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04.09.2024

CRL.M.A. 26655/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6981/2024

3. The present petition is filed seeking cancellation of bail granted to Respondent No. 2 by order dated 30.01.2024.
4. This Court by order dated 30.01.2024 had admitted Respondent No. 2 on bail noting that Respondent No. 2 has already spent more than 5 years in custody. This Court also noted that in terms of Section 437 of the Code of Criminal Procedure, 1973 (CrPC), the Court is empowered to release a person on bail if such person is a woman. It was further noted that Respondent No. 2 is a single mother who is looking after a teenaged child who is also having a phycological problem and is under treatment of a psychiatrist.



5. The present petition is filed by the petitioner, who claims himself to be brother of Respondent no. 2. He claims that he has been threatened by Respondent No.2 to not depose against her.
6. On being pointedly asked, the learned Additional Public Prosecutor for the State submits that the petitioner is not one of the prosecution witnesses.
7. The learned counsel for the petitioner further submits that number of complaints have been given to the police in regard to threats being given by Respondent No.2. However, no action has been taken.
8. This court fails to understand the reason why the present petition is filed. It appears that the petitioner being the brother is litigating with his sister and has filed the present petition to browbeat and pressurise her.
9. The petitioner in any case is at liberty to take appropriate action in regard to the complaint given to the police. The same, however, in no manner could be a ground for cancelling the bail granted to Respondent No.2.
10. The present petition is nothing but an abuse of the process of the Court and is, therefore, dismissed with cost of ₹25,000/-, to be deposited with the Prime Minister's National Relief Fund within two weeks.
11. The proof of deposit of cost be submitted with the concerned IO / SHO.

AMIT MAHAJAN, J

SEPTEMBER 4, 2024

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