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

+ **BAIL APPLN. 3376/2024**

RIHANA

.....Petitioner

Through: Mr. Lokesh K Mishra, Mr. Haider
Khan, Mr .Devansh Sehgal Mr.
Nadeem Ahmad & Mr. Nikhil, Advs.

versus

STATE (GNCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Ms. Shehnaz Khan, Advocate
SI Anugreha PS: Welcome

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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12.11.2024

1. This petition has been filed seeking quashing of FIR No. 505/2024 under Section 110/125 (2) /3(5) BNS, PS Welcome. Petitioner is in custody since 5th September 2024 and has no previous involvement, as per the nominal roll.
2. APP has handed up status report in the Court today; same be filed on record by the APP.
3. The case of prosecution is based upon complaint filed by victim Rubina who is resident of 26-27, Kabootar Market, Welcome, Delhi. As per her complaint, an incident occurred on 3rd September 2024 when she was assaulted by known person and since she was not in a condition to give statement, her sister Shahana, who was an eye-witness, gave statement to the IO regarding the incident.
4. Shahana stated that they are 7 sisters and one brother and their parents have died. Five sisters and brother are married. Two sisters Rubina



and Shahana live on the ground floor of the property owned by their parents, as they have right to stay in that house. Further, their brother and sister-in-law Rehana (petitioner) live on the third floor of the said premises.

5. On 3rd September 2024 at around 5:30 pm, her brother Mohd. Hashim called Rubina to third floor and when Shahana heard shouting, she ran and saw that her brother had tied her sister from behind while petitioner Rehana was hitting her sister with an iron rod, repeatedly. Rubina was screaming and bleeding. PCR call was made and FIR was registered.

6. Petitioner's version, as given to the police, was that they had been asking the sisters to divide the rent equally but they used to quarrel and beat them. Further quarrel ensued because of collection of rent by her husband Mohd. Hashim, which resulted in altercation.

7. As per the status report, MLC of victim was received and nature of injury was opined as '*simple*'. Charge-sheet has been filed.

8. Counsel for petitioner states that the issue arose out of a family dispute between petitioner's husband and complainants, who are sisters of her husband and who share adjoining premises, inherited by them from their deceased father. An altercation occurred on 3rd September 2024 where petitioner and her husband allegedly assaulted victim-Rubina.

9. Counsel for petitioner points out that various complaints were filed by them prior to the alleged incident apprehending that complaints will be filed against them by the sisters. He further states that the petitioner has three minor children who are presently under care and custody of petitioner's sister.

10. On the contrary, complainants who are present in the Court deny these submissions and state they are continuously being threatened by the petitioner and her husband (their brother) and that various complaints have



been raised in that regard.

11. Counsel for petitioner further states that petitioner is about 40 years of age and has responsibility of 3 minor children who are currently being taken care of by sister of petitioner, considering that both petitioner and her husband are in custody.

12. Complainant sisters, who are present in the Court today, have handed over another complaint dated 5th November 2024, which is in addition to previous complaints filed by them stating that their brother and sister-in-law (petitioner) have consistently threatened them and are likely to lodge false cases against them in order to implicate them.

13. Counsel for petitioner, on instructions, gives an undertaking that petitioner and her husband will not indulge in any threat or intimidation of complainants.

14. Having noted the concern, this Court is of the opinion that petitioner cannot be kept in custody for an indefinite period for this reason, particularly considering there are minor children involved, charge-sheet has already been filed, and that petitioner has no previous involvement. Needless to state that complainants are at liberty to approach the Court for seeking adequate protection as and when deemed necessary.

15. In the meantime, counsel appearing on behalf of the State shall provide the numbers of the Beat Constable and the SHO of the concerned area to the complaint sisters for them to communicate with in case any threat is perceived.

16. However, from the above conspectus it is borne out that the issues arose out of family dispute and trial is yet to commence with regard to allegations filed by the complainants.

17. Accordingly, the petitioner is directed to be released on bail on



furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will ensure that she or her husband do not extend any threats or intimidation to complainant sisters in any manner whatsoever.
- ii. Petitioner will not leave the country without prior permission of the Court.
- iii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iv. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- v. Petitioner shall join investigation as and when called by the IO concerned.
- vi. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vii. Petitioner will mark presence physically before the concerned I.O. every first and third Monday of every month at 5 p.m., and will be not kept waiting for more than an hour.
- viii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any



member of the complainant/victim's family or tamper with the evidence of the case.

18. It is made clear that in event of breach of the undertaking, or any of the bail conditions, the bail will be liable to be cancelled.

19. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

20. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

21. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

22. Copy of order be given *dasti*.

23. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 12, 2024/sm