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

+ **BAIL APPLN. 1875/2025**

ABDUL AZIZ ABDUL SAMAD SHAIKHApplicant

Through: Mr. R.P.S. Bhatti, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State

Mohd. Nazim and Mohd. Sami, Advs.
for Respondent no. 2.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **22.07.2025**

1. The applicant (brother-in-law of complainant-wife) is seeking Anticipatory Bail in case FIR No. 0086/2024 dated 13.03.2024 registered at P.S. Shaheen Bagh for the alleged offences under Sections 498-A, 406, 506 and 34 IPC arising out of a matrimonial dispute between his brother and his complainant-wife.

2. Heard the learned counsel for the applicant and the learned APP and perused the case file.

3. Learned counsel for the applicant contends that applicant is a resident of Mumbai, who has been falsely implicated in a matrimonial dispute involving his brother and his complainant-wife. He was earlier granted anticipatory bail, which was later wrongly cancelled vide an order dated 10.03.2025 passed by learned Addl. Sessions Judge, Saket Courts, New Delhi. He would contend that earlier anticipatory bail was cancelled on false grounds of non-cooperation. The applicant has no criminal history and did not even reside with the complainant, learned counsel would urge. He would submit that applicant is willing to cooperate and seeks protection from



arbitrary arrest, emphasizing that bail is the rule and jail is the exception.

4. Having heard and perused the FIR, I am of the prima facie view that bald allegations against applicant, lacking any specific particulars, do not make out a case of arrest against applicant at this stage. The allegations appear to have been made with a collateral motive stemming from matrimonial acrimony.

5. As an upshot, in the event of formal arrest of applicant, he is ordered to be released on bail on him furnishing a bail bond and surety bond to the satisfaction of the Investigating Officer (IO)/Arresting Officer concerned, subject to him complying with the conditions/provisions contained in Section 482(2) of BNSS.

6. On doing so, the applicant shall cooperate in the investigation, failing which the State is at liberty to approach this Court seeking cancellation of the protection granted to the applicant.

7. Moreover, if during the investigation, the Investigating Officer finds that there is any incriminating material warranting his custodial interrogation, he/she shall be at liberty to seek cancellation of the bail granted vide instant order.

8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposal of the present bail application.

9. The Bail Application as well as the pending application(s), if any, stand disposed of.

ARUN MONGA, J

JULY 22, 2025/kd