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

+ **BAIL APPLN. 2506/2024**

SHEKHAR VERMA

.....Petitioner

Through: Mr. Dibyaroop Pattnaik, Advocate

versus

STATE G.N.C.T OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Dolly, P.S. Adarsh Nagar

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.01.2025

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1. The present application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed by the applicant, seeking grant of anticipatory bail in case arising out of FIR bearing no. 0369/2024, dated 10.06.2024, registered at Police Station, Adarsh Nagar, Delhi, for offences under 376/354/323/506/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. No one appears for the complainant despite service.
3. On 04.09.2024, the learned counsel for the complainant had appeared and had sought adjournment.
4. The Investigating Officer (IO) is present in Court today. He states that he has already informed the complainant about the today's date of hearing. However, the complainant has chosen not to appear before this Court.
5. Accordingly, this Court has proceeded to hear the matter.



6. The present FIR was registered on 10.06.2024, on the basis of a complaint lodged by the complainant 'A' alleging that her husband had expired on 28.05.2024 due to kidney ailment, and since the death of her husband, she had been ill-treated by her in-laws. On 05.06.2024, at around 1 a.m. her brother-in-law (jeth) had entered her room, choked her mouth and established sexual relations with her forcefully and had threatened her that if she discloses this incident to anyone, he would oust her out of the house. It is also alleged by the complainant that on 08.06.2024, one Dheeraj Verma i.e. her dewar had touched her breasts and chest during a fight and her sister-in laws and mother-in-law had beaten her and choked her neck. The MLC of the complainant was conducted at BJRM Hospital and thereafter at BSA Hospital, where she denied to get her internal examination conducted. Her statement was recorded under Section 164 of Cr. P.C.

7. The learned counsel appearing for the present applicant/accused submits that the marriage of the brother of the applicant, namely Rahul Verma, was solemnized with the complainant in the year 2006. The complainant had given birth to three children i.e. two daughters and one son, but the complainant did not have any love and affection towards her own children and the mother of the applicant used to look after all the children. Since the date of the marriage, the complainant had her eyes on the family property of the applicant and she never performed any duties of a wife as well as daughter-in-law in the family and she always used to quarrel with her husband. It is stated that due to such conduct of the complainant, the brother of the applicant i.e. the husband of the complainant had expired on 28.05.2024, but after the performance of the last rites of her husband, she had started demanding property from them. On 05.06.2024, the complainant



had called her sister to the applicant's house and both of them had taken away the jewellery items along with the jewellery and ornaments of the mother of the applicant/accused and on the same date, the complainant had lodged a false and frivolous complaint against the applicant and his family.

8. The learned counsel for the applicant/accused argues that the applicant has been falsely implicated in the present case, and the allegations against him are vague and incorrect. It is also argued that the complainant has falsely implicated the applicant herein with the sole motive to harass, torture and defame him and his family members. It is contended that no allegation of commission of rape by the applicant herein was made by the complainant in her PCR call on 06.06.2024 and only allegations of beatings were made by the complainant against her in-laws. It is further submitted that the complainant herself had left the house of the applicant and went to her parental home on 07.06.2024 and thereafter lodged the present FIR on 10.06.2024. Therefore, it is prayed that the applicant be granted anticipatory bail.

9. The learned APP appearing on behalf of the State, on the other hand, strongly opposes the present application and submits that allegations against the applicant/accused are serious in nature and the complainant is a widow who has recently lost her husband, and she was subjected to utmost cruelty by her in-laws. It is also contended that the complainant was ousted from her matrimonial house and has been struggling to make her ends meet. Therefore, it is prayed that the present bail application be dismissed.

10. This Court has heard the learned counsel appearing on behalf of the parties and has perused the material placed on record.

11. After perusing the same, this Court is of the opinion that the present



FIR came to be registered on the allegations levelled by the complainant that she had been sexually harassed and assaulted by the present applicant/accused, who is the brother of her deceased husband. The allegations are that the complainant was being harassed by the family members and the present applicant, since the death of her husband. It has been brought to the attention of this Court by the learned counsel appearing on behalf of the applicant that the present complaint is not only false but also motivated since in the present case, the only motive of the complainant to lodge complaint is to extort money from the family of her deceased husband. This Court's attention was also drawn to the fact that a complaint in this case was lodged by the mother-in-law of the complainant on 07.06.2024 and it was alleged in the said complaint that after calling her sister to the matrimonial home, the complainant herein had stolen their jewellery and had left the matrimonial home and also her three minor children. During the course of arguments, the learned APP for the State, on instructions from Investigating Officer (IO), stated that the applicant herein was granted interim protection which has not been misused by him and he has joined the investigation and is also not required for custodial interrogation.

12. After going through the case file, it is undisputed that a complaint was lodged against the complainant herself, by her mother-in-law on 07.06.2024, that she had stolen the jewellery from their home. The present complaint however, was lodged on 10.06.2024. It is taken note of by this Court that no complaint was lodged by the complainant herein prior to lodging of the complaint by her mother-in-law, against her. In case the incident in question had taken place prior to the said date, it is not clear as to why the complaint



was lodged by the complainant immediately. Moreover, the Status Report also mentions that the complainant herein had given a complaint to police on 05.06.2024 also, but there were no allegations of rape or sexual assault in the said complaint.

13. Be that as it may, also considering the fact that the applicant herein has joined investigation and the complainant has also left three minor children in the custody of the family of the applicant and his mother only, this Court is of the opinion that the applicant is entitled to be enlarged on bail.

14. Thus, in the event of arrest, the applicant shall be granted bail on furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount, to the satisfaction of the concerned IO/SHO 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 leave the country without prior permission of the concerned Court.
- iii. The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv. The applicant shall join the investigation as and when requested by the IO/SHO, and co-operate with the same.

15. Accordingly, the present bail application stands disposed of.

16. It is, however, clarified that nothing expressed herein shall be construed as any expression on the merits of the case.



17. The order be uploaded on the website forthwith.

JANUARY 24, 2025/KG

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any