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

+ BAIL APPLN. 3168/2025
RITESH MALHOTRA

.....Petitioner

Through: Mr. Ankit Mehta, Mr. Surender
Kumar, Mr Ashish Kumar,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with W/SI Monika ASI Rajesh Kumar
PS Jagat Puri.

+ BAIL APPLN. 3169/2025
MEENU MALHOTRA

.....Petitioner

Through: Mr. Ankit Mehta, Mr. Surender
Kumar, Mr Ashish Kumar,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with W/SI Monika ASI Rajesh Kumar
PS Jagat Puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.12.2025

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1. First Bail Applications bearing BAIL APPLN. 3168/2025 and BAIL APPLN. 3169/2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'B.N.S.S.') /Old Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.PC') have been filed on behalf of the Petitioners, namely, Ritesh Malhotra, who is the husband of the Complainant and Ms. Meenu Malhotra, who is the sister-in-



law (nanad) of the Complainant respectively, for grant of Anticipatory Bail in FIR No. 308/2025 under Section 305(A) of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS') registered at Police Station Jagat Puri.

2. It is submitted in the Anticipatory Bail Applications that the present FIR emanates from the matrimonial disputes between husband, Ritesh Malhotra and the Complainant, his wife. It is asserted that the Complaint of theft from the matrimonial home, is patently false. Both the Applicants have already joined the investigations. It is claimed that the investigations are not being conducted fairly by the Investigating Officer. He, for the reasons best known to him, has even made the GD Entry in the same Police Station leveling false allegations against the Petitioners and his counsel.

3. In fact, the true facts are that the Investigating Officer is a adamant Police Official, who has no respect for the citizens as well as Officers of the Court and even did not conduct the investigation in a fair and impartial manner.

4. It is asserted that the Complainant had given a Complaint, on the basis of which FIR was registered on 08.06.2025, wherein it was alleged that the some theft had taken place on 17.05.2025 at around 01:00 pm, which is a complete concocted and a false story.

5. After registration of FIR, the Applicant had filed for Anticipatory Bail before the learned ASJ in which interim protection was granted and they joined the investigations. However, subsequently, the Anticipatory Bail Applications have been dismissed.

6. It is submitted that Smt. Vimla Malhotra, mother of Ritesh Malthora is 76 years old lady suffering from various ailments and he is the only care



taker of his sister.

7. It is further submitted that the learned ASJ while considering the Anticipatory Bail Applications in his Order dated 30.07.2025, had observed that the Investigating Officer, in answer to a specific query had stated that no finger prints were found on the almirah or crime scene, which clearly depicts that the Petitioners have been falsely implicated in this Case. The wife of the Petitioner is not even residing on the aforementioned floor of matrimonial home and had merely put her lock on the premises.

8. It is further submitted that the Complainant got married to Ritesh Malhotra in the year 2006 and since then, she has been harassing the old mother, who is aged about 72 years and is suffering from old –age ailments. The Complaint has been filed with the sole intention to grab the property of the Applicant's mother and to dispossess the Applicant, Ritesh Malhotra from their house.

9. It is claimed that the Complainant for the last several years has not been residing on the second floor of the property of the Applicant's mother and had cooked up the conspiracy in the year 2021 and had sent some lady Shabnam for lease of the second floor and thereafter, she in collusion of that lady, entered into the second floor of the property and had put her lock.

10. The Complainant is residing at House No. P-16, Gali No. 1, Shankar Nagar, Krishna Nagar, Delhi-110051 and at another address of old Seelampur. She has filed several Suits for Recovery, Section 138 of N.I . Act, Complaints against several persons in the year 2022 as well as in the year 2025 giving different addresses, which clearly depicts that the Complainant was not residing in the property as stated in the FIR.

11. The Complainant and her entire maternal family are habitual



offenders and more than one Criminal Cases, have been registered against her mother and brother. One such FIR No. 537/2023 under Section 376/506/509/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') has been registered at Police Station Krishna Nagar.

12. It is further submitted that the FIR has been registered under Section 305(A) of BNS, which is punishable upto seven years of imprisonment. It is asserted that on the day of alleged incident, mother of the Complainant has also made a call to the Police and given a written Complaint to the Police Station, but no action was taken on the Complaint of Applicant's mother.

13. The Complainant has filed false and frivolous Domestic Violence case against the Applicant and his family members.

14. It is further stated that when the Police arrived at the spot on the day of incident, the Police was found that the lock was intact, which clearly depicted that no lock had been broken at all. The Applicant has even recorded the entire incident in his mobile phone. It is evident that not a single article had been stolen as there was nothing on the floor in which the Complainant is claiming to be residing. She had only put her lock, but did not reside there.

15. At the time of registration of FIR, it had been admitted that no lock was broken but it was only to take revenge because of the matrimonial disputes, that the complaint was made. A prayer is, therefore, made that the Anticipatory Bail be sought.

16. The Applicant has placed reliance on Virender Singh Kanwar vs. State of NCT of Delhi in Bail Application No. 951/2018; Santosh vs. State of Maharashtra, (2017) 9 SCC 714; Selvi vs. State of Karnataka; State of U.P. vs. Amarmani Tripathi; Satender Kumar Antil vs. CBI, (2022) 10 SCC 51;



Sanjay Chandra vs. CBI, (2012) 1 SCC 40; Sunder Singh Bhati vs. State, 2022 SCC OnLine Del 134; Ram Pratap vs. State of Haryana, Criminal Appeal No. (S) 804/2011, 2022-livelaw-sc-1025; Santosh vs. State of Maharashtra, (2017) 9 SCC 714 and Neelu Chopra & Anr. vs. Bharti reported in (2010) 1 C CrLR (SC) 256.

17. **Status Reports have been filed on behalf of the State, which are taken on record.** In the Status Reports, the details of the registration of FIR and the investigations have been detailed. It has been submitted that pursuant to the Notice under Section 35.3 B.N.S.S., the Applicants have joined the investigations. It is asserted that the Petitioners had been interrogated but they did not disclose the real facts. The Complainant has also not provided the bill of stolen articles despite being asked for the same several times. It is asserted that the case property is yet to be recovered and the custodial interrogation of the Applicants, is required. The Bail Application is accordingly opposed.

Submissions heard and the record perused.

18. The FIR under Section 305(A) IPC has been registered on 08.06.2025 in respect of a Complaint dated 17.05.2025 wherein the Complainant had alleged that the Petitioners (who are her husband and sister-in-law) had broken open the locks of her second floor premises and committed theft by breaking open the almirahs and that her gold chain and ring, as well as, the utensils from the kitchen and LED T.V. SONY, had been taken away.

19. As per the Investigating Officer, when the Police had reached the premises, the locks were found intact and subsequently, the Complainant had asserted that they had prepared a duplicate key. Consequently, the FIR got registered only on 08.06.2025.



20. It is essentially a matrimonial dispute and the theft allegedly has been committed from the premises of the second floor of matrimonial home where the Complainant is claimed to be staying.

21. Considering the totality of the circumstances, it is directed that in the event of his arrest, the Petitioners/Applicants shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioners shall furnish a personal bond in the sum of Rs.25,000/- each with one surety in the like amount each to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioners shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioners shall furnish their cellphone numbers to the Investigating Officer on which they may be contacted at any time and shall ensure that the numbers are kept active and switched-on at all times.
- (iv) The Petitioners shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Petitioners shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

22. The Bail Applications stand disposed of in the above terms.



23. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

DECEMBER 2, 2025/RS