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

+ **BAIL APPLN. 3413/2025**

AMAN SHARMA

.....Petitioner

Through: Mr.Sunil K.Sharma and Mr.Hitesh
Singh, Advocates

versus

STATE GOVERNMENT OF NCT OF DELHIRespondent

Through: Mr.Sanjeev Sabharwal, APP for the
State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **08.09.2025**

CRL.M.As. 26660-61/2025 (Exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

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1. The applicant is before this Court seeking anticipatory bail owing to his apprehension of arrest arising out of FIR No. 611/2024 dated 25.11.2024 for alleged offences under Sections 117(2) [Voluntarily causing grievous hurt], 351(3) [Criminal intimidation], 3(5) [Common intention] of the BNS, registered at Police Station Farsh Bazar, Shahdara District.

2. Per FIR the case set up by the complainant is that she was married to applicant, as per Hindu customs and traditions. Ever since her marriage, her sister-in-law (Preeti Sharma) would interfere in the family matters, and along with her mother-in-law (Kusum Sharma), father-in-law (Ram Avatar), and the applicant, used to pick up fights, misbehave with her, and subject her to daily mental torture and abuse.

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2.1 On an earlier occasion, the applicant had even attempted to kill the complainant, though the matter was suppressed at that time. On 29.10.2024, the applicant, along with his family members, physically assaulted the complainant and threw her from the roof with the intention to kill her. Although she survived the fall, she sustained fractures in both her legs and is currently undergoing surgery at the hospital. The complainant further alleged that her fifteen-day-old daughter was forcibly taken away from her and that her life continues to remain in danger at the hands of the accused.

3. In this backdrop, I have heard the rival submissions and perused the case record.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in a case arising out of matrimonial discord and that there is no reliable evidence linking him to the alleged offences.

4.1 It is argued that the FIR contains exaggerated allegations, driven by mala fide intent to harass the applicant and his family. The complainant, it is pointed out, had voluntarily left the matrimonial home along with valuables before lodging the present complaint.

4.2 Counsel submits that the applicant neither had any motive nor intention to harm the complainant. On the contrary, the complainant had previously assaulted the applicant, causing a rupture in his eardrum. Despite this, he refrained from initiating legal action to preserve the marriage. It is further argued that there is no independent witness or corroborative evidence to support the allegation that the applicant pushed the complainant from the roof. In fact, the complainant, in her initial statement to the local police, admitted that she had jumped voluntarily.

4.3 Counsel further submits that the applicant has clean antecedents,



strong social roots, and poses no flight risk. He is not in a position to tamper with evidence or influence witnesses. Custodial interrogation, it is urged, is neither necessary nor justified since the investigation rests on documentary and medical evidence already available with the police. The applicant has fully cooperated with the investigation and undertakes to continue doing so.

4.4 Counsel also points out that the learned ASJ had rejected the anticipatory bail application on 13.08.2025 primarily due to the seriousness of injuries. However, reliance is placed on *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, where the Supreme Court held that the mere seriousness of allegations or the State's request for custodial interrogation cannot by itself justify denial of anticipatory bail. The Court clarified that anticipatory bail, once granted, continues till the conclusion of trial and need not be time-bound.

4.5 Reliance is also placed on *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, where the Supreme Court directed that in matrimonial disputes, arrests should not be made merely because the law permits it, but only when justified. Counsel further cites *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, where the Constitution Bench held that though the gravity of the offence is relevant, it is not the sole consideration, and anticipatory bail is a crucial facet of the right to personal liberty under Article 21 of the Constitution.

5. In response, learned APP for the State vehemently opposed the application, arguing that it lacks merit. Given the nature of injuries and the ongoing stage of investigation, the applicant cannot be granted relief. There exists a genuine apprehension that, if released, the applicant may abscond or tamper with evidence. The application thus deserves outright rejection.



6. I have heard both sides and also considered the reasons recorded by the learned ASJ while rejecting anticipatory bail on 13.08.2025.
7. The victim suffered multiple fractures in her legs and had delivered a female child merely 15 days prior to the incident. It is highly improbable that, she would voluntarily jump from the roof.
8. Although the applicant's counsel argued that she did so, carrying jewellery articles, and allegedly admitted the same before the police, however, no such corroboration exists.
9. Considering the gravity of the injuries and the offence, this Court finds that granting anticipatory bail at this stage would interfere with the course of investigation which is at a preliminary stage.
10. Not only I concur with the reasoning assigned by learned Sessions Judge, but it transpires from the learned APP who submits, on instructions, that the complainant was forced to jump from the first floor. Even if the applicant did not physically push her, as is argued to the contrary, the intimidation and violence inflicted upon her left her with no option but to jump, resulting in multiple fractures in both ankles. The Investigating Officer has produced the MLC before this Court, which has also been perused and returned.
11. At this stage, no opinion can be formed in favour of the applicant to accord him concession of bail.
12. In the premise, the applicant's bail deserves rejection given the gravity of the offence and the weight of the evidence. Protection of the victim to my mind, at this stage, outweighs any claim for liberty by the petitioner.
13. Taking the wholesome view of the matter, it is not a case where the



applicant is entitled to the discretionary relief of anticipatory bail.

14. Accordingly, the present application, along with pending application(s), if any, stand dismissed.

ARUN MONGA, J

SEPTEMBER 8, 2025/dy