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

+ **BAIL APPLN. 4812/2024**

DIPTI GUPTA

.....Petitioner

Through: Mr. Amit Garg, Mr. Mugdh Kumar,
Ms. Smita Garg, Mr. Ankit Gupta
and Mr. Dev Kumar, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
with WSI Shalu PS Kalyanpuri and
SI Gaurav PS Kalyanpuri
Mr. Jatin Rajput, Advocate for
Complainant (through VC) with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

27.08.2025

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1. Petitioner before this Court is seeking anticipatory bail in relation to FIR No. 702/2024 under Sections 493/376/420 of the IPC registered at police station Kalyanpuri.
2. Learned counsel for the petitioner submits that during the pendency of the proceedings before this Court, the applicant was granted interim protection by a Coordinate Bench of this Court vide order dated 27.12.2024, which reads as under:

"1. These anticipatory bail applications no. 4812/2024 and 4829/2024 have been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)/438 of Criminal



Procedure Code (Cr.P.C) on behalf of the petitioners i.e., Dipti Gupta and Anand Gupta respectively in case FIR No. 702/2024 under Sections 493/376/420 of Indian Penal Code (IPC) registered at Police Station Kalyanpuri.

2. Both the applications are taken up together for disposal as are arising out of the same FIR.

3. The Investigating Officer has filed the Status Report and the same is taken on record. A copy of which is furnished to the applicants.

4. The Investigation Officer submits that she is still in the process of investigating the case and is yet to collect material/documents with respect to the two marriages of Nitin Gupta. She has requested for 15 days' time to furnish a proper Status Report.

5. Learned counsel for the applicants in support of the bail applications submits that the petitioner, namely, Dipti Gupta is the married sister-in-law of the complainant and resides separately from the main accused, namely, Nitin Gupta, and has two young children. The petitioner, namely, Anand Gupta, is the complainant's father-in-law and is 65 years of age. The complainant has raised false allegations against both the petitioners. They have participated in the investigation, whenever they were summoned and have cooperated with the Investigating Officer.

6. He submits that primarily, this is a matrimonial dispute between the complainant and Nitin Gupta. The complainant made false allegations against the applicants and Nitin Gupta that she was subjected to mental and physical cruelty. He submits that on the same set of facts, on the complaint of the complainant, an FIR No. 1107/2023 under Sections 498A/406/506/34 of IPC was registered at Police Station Kalyanpuri against the applicants and Nitin Gupta, wherein chargesheet is already filed and the applicants are on bail. He further submits that they have not misused the said bail granted to them.

7. He further submits that the complainant subsequently, filed a complaint alleging that her husband, Nitin Gupta, did not disclose the factum of his previous marriage with Ms. Nandini



and she later came to know that they have not been legally divorced. Therefore, she invoked the provisions under Sections 493/376/420/34 IPC by filing a complaint case against the applicants and Nitin Gupta, on the basis of which a fresh FIR No.702/2024 at Police Station Kalyanpuri was got registered by the learned Metropolitan Magistrate.

8. Learned Additional Public Prosecutor for the State, on the other hand, submits that the applicants are not required for custodial interrogation, nonetheless, the allegations are grave against both of them as they are the co-conspirators with Nitin Gupta. They had not disclosed the factum of previous marriage of Nitin Gupta with Nandini to the complainant and duped her to marry him.

9. The arguments have been heard, the record and status report have been perused.

10. As fresh status report is to be furnished, list before the Roster Bench on 16th January, 2025.

11. Till then, no coercive action shall be taken against the applicants, however, subject to the condition that the applicants shall join the investigation as and when required by the IO.”

3. On a query, learned APP for State, under instructions of the IO, would submit that the investigation is complete and in course thereof the petitioner has joined the same and extended full cooperation and accordingly after completion of the investigation charge sheet has been filed.

4. Learned counsel for the complainant though opposes the application, however, I find no grounds in the submissions as the applicant is the sister-in-law of the complainant.

5. In the premise, I am of the view that since the investigation is complete, custody of the applicant is not required.

6. Accordingly, the aforesaid concession is made absolute. The IO shall



formally cause the arrest of the applicant and release her forthwith subject to furnishing personal bond with one surety of the equivalent amount to his satisfaction in terms of the conditions and provisions as contained under Section 482 (2) of the BNSS.

7. The petition is disposed of accordingly.

ARUN MONGA, J

AUGUST 27, 2025/SV