

Veena Sharma Vs. State

Veena Sharma Vs. State

SooperKanoon Citation : sooperkanoon.com/1099325

Court : Delhi

Decided On : Dec-02-2013

Judge : Sunita Gupta

Appellant : Veena Sharma

Respondent : State

Advocate for Pet/Ap. : Mr. Sunil Kapoor, Ms. Aashaa Tiwari

Judgement :

\$~ * IN THE HIGH COURT OF DELHI AT NEW DELHI DATE OF DECISION:

02. d DECEMBER, 2013 + BAIL APPLN. 1788/2013 SUMIT SHARMA Through: Petitioner Mr. Sunil Kapoor , Advocate. versus STATE Through: Respondent Ms. Aashaa Tiwari, APP for the State with ASI Ravi Shankar, PS Tilak Nagar. WITH + BAIL APPLN. 1789/2013 AMIT SHARMA Through: Petitioner Mr. Sunil Kapoor , Advocate. versus STATE Through: Respondent Ms. Aashaa Tiwari, APP for the State with ASI Ravi Shankar, PS Tilak Nagar. AND + BAIL APPLN. 1791/2013 VEENA SHARMA Through: Petitioner Mr. Sunil Kapoor , Advocate. versus STATE Through: Bail Appln.Nos.1788-1791/2013 Respondent Ms. Aashaa Tiwari, APP for the State with ASI Ravi Shankar, PS Tilak Nagar. Page 1 of 5 CORAM: HON'BLE MS. JUSTICE SUNITA GUPTA

JUDGMENT

: SUNITA GUPTA, J.

1. Vide this common order, I shall dispose of bail application Nos. 1788/2013, 1789/2013 and 1791/2013 as all the bail applications have been filed in case FIR No.288/2013 u/s 354/509/323/34 IPC, P.S. Tilak Nagar for grant of anticipatory bail to the petitioners.

2. In Bail Application No.1788/2013, the applicant is the brother-inlaw of the complainant; in Bail Application No.1789/2013, the applicant is the husband of the complainant and in Bail Application No.1791/2013, the applicant is the mother-in-law of the complainant. FIR in the instant case was registered on the statement of Poonam Sharma wherein she stated that she had filed a case u/s 12 of Domestic Violence Act which is pending in the Court of learned M.M wherein she has claimed her entitlement to live in House No.5A/16, Tilak Nagar, New Delhi. The learned M.M passed an interim order in her favour and the same was continued till 29.05.2013. Her in-laws continuously tried to throw her out from the house. On 28.05.2013, when she returned from her job, her mother-in-law, husband and brother-in-law started using filthy language against her; they all gave her beatings with danda; her husband and mother-in-law pulled her hair; her brother-in-law caught hold of her and tried to drag her towards him and when she protested, he slapped her. She rang up 100 No.and then went to police station. She was taken to Deen Dayal Upadhyay hospital where she was medically examined. She received stitches on her head; she prayed for action against her husband, mother-inlaw and brother-in-law.

3. It is submitted by learned counsel for the petitioner that complainant got married to Amit Sharma on 19.11.2003. Out of the wedlock, a female child was born on 26.07.2005. After solemnisation of marriage, the complainant used to harass the family members on one pretext or the other and insisted for transfer of the property in her name. Thereafter, she left the matrimonial home with threats of lodging a false complaint against them. She made a complaint before CAW Cell but nothing substantial was found against the petitioners, as such, the complaint was consigned to record. She filed frivolous suit for permanent injunction against her husband and mother-in-law for restraining them from selling the property. When the written statement was filed, she withdrew the suit. Thereafter she filed another false complaint u/s 12 of Domestic Violence Act, 2005 which is pending. On

30.05.2013, she filed a false complaint against the petitioners. An application for grant of anticipatory bail was filed and protection was granted directing the SHO to serve 15 days notice prior to the arrest of the petitioners. Thereafter another FIR was got registered vide FIR No.336/13 dated 29.06.2013 u/s 341/32/34/IPC and application for grant of anticipatory bail was moved before the High Court. Directions were given to pay a sum of Rs. 3 lakhs to the complainant. It is submitted that the complainant is threatening the petitioners that she will get them involved in false criminal cases if her demands are not met. As per the directions of this Court, a sum of Rs. 3 lakhs has already been paid. The petitioners have joined investigation, as such they be released on bail.

4. Application is opposed by learned APP for the State on the ground that the petitioners abused the complainant and gave her beatings. The statement made by her before the police was reiterated in her statement u/s 164 Cr.P.C; she was medically examined, as such the petitioners are not entitled to be released on bail.

5. Keeping in view the fact that, in pursuance to the directions given by this Court in another application for grant of anticipatory bail moved by the petitioners, direction was given to pay a sum of Rs. 3 lakhs to the complainant which has been complied with; as per the MLC , injured was discharged from the hospital on the same day and injuries have been opined to be simple coupled with the fact that as per the averments made in the petition, initial complaint made to CAW Cell was withdrawn by the complainant; thereafter civil suit was also withdrawn after petitioners filed the written statement, as such, keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of their arrest:(i) Petitioners be admitted to bail on their executing personal bond in the sum of Rs.10,000/- each (Rupees Ten Thousand only) with one surety each in the like amount to the satisfaction of the concerned I.O./SHO; (ii) they shall join investigation as and when called for by the I.O. (iii) they shall furnish their address as well as their mobile numbers to the Investigating Officer. (iv) they shall not threaten or coerce any prosecution witness including complainant. The petitions are accordingly disposed of. Copy of this order be given dasti under the signature of Court Master. SUNITA GUPTA (JUDGE) DECEMBER02 2013 as