

(2019) 09 RAJ CK 0104

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 8509, 8510 Of 2019

Neha Gupta And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 13-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 323, 342, 406, 498A
Code Of Criminal Procedure, 1973 — Section 161, 438

Citation : (2019) 09 RAJ CK 0104

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : R.S. Choudhary, S.K. Bhati, Rajesh Joshi, D.L. Rawla

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioners as well as learned Public Prosecutor and also perused the material on record.

The petitioners apprehend their arrest in connection with FIR No.106/2019 of Women Police Station Sriganganagar for the offence punishable under Sections 406, 498-A, 323 and 342 of IPC. They have preferred these anticipatory bail applications under Section 438 Cr.P.C.

Learned counsel for the petitioners has submitted that petitioners have falsely been implicated in this case. It is argued that from the bare reading of the FIR, it is clear that complainant has alleged that dowry items given in her marriage by her parents were taken into custody by her mother-in-law. It is submitted that allegations of harassing and assaulting the complainant are against husband of the complainant and not against the petitioners. It is submitted that petitioners are sisters-in-law of the complainant and only for this reason, they have been implicated in this case. It is also submitted that petitioner Parul Gupta is married to Anand Gupta and used to reside in Mumbai, however, later on, she shifted to Gaziabad, Uttar Pradesh and it is wrong to say that she ever harassed the

complainant or demanded dowry from her and her family members. It is submitted that petitioner Neha Gupta is working in a NGO and she also never demanded dowry or harassed the complainant. It is submitted that omnibus allegation regarding demand of dowry has been levelled against the petitioner Neha Gupta and no specific instance has been mentioned in the complaint by the complainant regarding petitioner Neha Gupta. It is also submitted that petitioners had joined the investigation pursuant to the direction given by this Court on 06.08.2019 and also returned gift items which were received by them at the time of marriage of the complainant and brother of the petitioners Bhavit Gupta. Learned counsel for the petitioners has submitted that in the facts and circumstances of the case, petitioners are entitled to be enlarged on bail.

Per contra, learned Public Prosecutor as well as counsel for the complainant have opposed the bail applications and submitted that the complainant has levelled specific allegations against the petitioners regarding demand of dowry and harassment. It is also submitted that allegation of taking dowry items at the time of marriage of the complainant was against petitioner Neha Gupta and her mother. It is also submitted that though the petitioners had joined the investigation but they have not returned all gift items given to them from the complainant side at the time of marriage of the complainant.

Having heard the learned counsel for the parties and after going through the case diary, particularly the allegations levelled by the complainant in the FIR as well as in the statement recorded under Section 161 Cr.P.C., without expressing any opinion on the merits of the case, I deem it just and proper to grant anticipatory bail to the accused petitioners under Section 438 Cr.P.C.

Accordingly, these bail applications under Section 438 Cr.P.C. are allowed and it is directed that in the event of arrest of the petitioners - Neha Gupta D/o Sh. Anand Gupta and Parul Gupta W/o Sh. Anand Gupta in FIR No.106/2019 of Women Police Station Sriganganagar they shall be enlarged on bail provided each of them furnishes a personal bond in a sum of Rs.50,000/-with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of the concerned I.O./ S.H.O. on the following conditions:-

- (i) They shall make themselves available for interrogation by Investigating Officer as and when required;
- (ii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;
- (iii) They shall not leave India without the previous permission of the Court.