

(2018) 05 DEL CK 0496
In the Delhi High Court
Case No : Bail Application No. 777 Of 2017

Shashi APPELLANT
Vs
State Nct Of Delhi RESPONDENT

Date of Decision : 14-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 366, 376, 506
Negotiable Instruments Act, 1881 — Section 138
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2018) 05 DEL CK 0496

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Sanjay Gupta, Ankush Sharma, Kavita Rawat, Mukesh Kumar

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks anticipatory bail in FIR No.00092/2017, under Sections 366/376/506IPC, PS North Rohini.
2. It is contended by learned counsel for the petitioner that the subject FIR is not an FIR on the complaint of one Smt. Anshu but is an FIR which is a counterblast to the complaint made by the petitioner against some police officials of PS North Rohini.
3. It is contended that there was a dispute between the petitioner and Smt. Anshu with regard to dishonour of certain cheques consequent to which the petitioner filed a complaint under Section 138 of the Negotiable Instruments Act against Smt.Anshu in the year 2015.
4. It is further contended that petitioner was assaulted by the husband of the alleged complainant in the year 2017. It is contended that as the police officials were threatening petitioner to withdraw the complaint under Section 138 of the NI Act as well as not to initiate proceedings for assault, a complaint was made

with higher officers qua the police officials. It is stated that as a counterblast to the said complaint against the police officers, the subject FIR has been registered alleging the same to be on the complaint of Smt.Anshu when no such complaint has been lodged by Smt.Anshu.

5. Smt. Anshu who is present in Court and is identified by the Investigating Officer submits that the subject FIR has not been recorded on her complaint as no such complaint was lodged by her. She further submits that she was even pressurized to make a statement before the concerned Magistrate under Section 164 Cr.P.C. She alleges that she was forced by the police officers of the subject police station. She has also filed an affidavit dated 11.04.2018.

6. She is also represented by her counsel who has been privately engaged.

7. Petitioner was granted interim protection by an order dated 28th April, 2017. Learned APP informs that the petitioner did join investigation as per the direction of the IO.

8. Without commenting upon the merits of the case, perusal of the record shows that the petitioner has made out a case for grant of anticipatory bail. Accordingly, in the event of arrest, the petitioner shall be released on bail by the Arresting Officer/IO/SHO on furnishing a personal bond in the sum of Rs.25,000/- to the satisfaction of the Arresting Officer/IO/SHO. The petitioner shall not do anything, which may prejudice either the investigation or any of the prosecution witnesses.

9. Petition is disposed of in the above terms.

10. Order Dasti under the signatures of the Court Master.