

Bail Matters 614/23, 615/23, 616/23, 617/23

STATE Vs. (1) NANCY

(2) RITIK

(3) ANKIT

(4)SUNDER

FIR No. 133/23

PS: Dabri

02.05.23

Present: Sh. Chander Jeet Yadav, Ld. Addl. PP for the State.

Sh. Vishnu, proxy counsel for accused / applicant.

Complainant with ld counsel Sh. Santosh Kumar.

IO / SI Chanda Singh in person.

Four anticipatory bail applications have been moved arising out of the same FIR. In all the four anticipatory bail applications, similar contentions have been raised by both the sides and since the facts and legal issues involved therein are common as well, all these anticipatory bail applications are being disposed of by this common order.

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Anticipatory bail application is moved on the ground that present matter is a matrimonial dispute between the parties and FIR is already registered against the complainant and her family qua the matrimonial dispute and just to create pressure upon the applicant, present complaint is initiated without any rhyme or reasons. The police officials have falsely implicated the present applicant upon the false complaint in order to please the complainant. The applicant undertakes to cooperate in the investigation. Therefore, it is prayed that anticipatory bail be granted to the accused / applicants.

Per contra, the bail application is opposed by the Ld. Addl. PP for State on the ground that there are serious allegations against the applicant/accused, therefore, the bail application should not be allowed.

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FIR was registered on the complaint of Smt. Saroj Lata in which she has stated that her son Neeraj got married with accused / applicant Nancy. About 4 months ago, due to non compatibility, they have separated Neeraj and Nancy and since then Neeraj and Nancy are staying separately on rent in [REDACTED]

[REDACTED] On 04.10.2022 at about 1:00 a.m., Neeraj informed that Nancy and her relatives after beating him are coming to their home for beating them. On this complainant and her husband locked the door of their house and went to the house of neighbour and also called their in-laws, who resides in the backside lane of their house. At around 1:45 a.m. accused persons Ankit, Ritik, Sunder Devi and Nancy came there in a white colour car bearing No. [REDACTED] and they forcefully entered into the house of the complainant. Accused Ankit, Ritik and Nancy also opened the almirah which was kept in drawing room and took out the cash and valuable articles and came outside the house using abusive language.

Case diary perused. www.voiceformenindia.com

During arguments, counsel for the accused persons submitted that the streedhan of Nancy was kept in the house of the complainant and that is why they entered into the house. Even if, court considers the submission of counsel for accused persons as correct that streedhan of Nancy was kept in the house of the complainant, even then accused Nancy has no right to take the streedhan forcefully without the permission of the complainant as it was in the custody of the complainant. Further, as accused Nancy is married with son of complainant but Nancy along-with her husband is staying in different house, therefore, the house of the complainant is not her matrimonial home and she has no right to enter into it without permission.

During arguments, CCTV footage was played which shows that around 1:44 a.m. all four accused persons were trying to forcefully open the door of the house of the complainant and after opening the door of the house of the complainant, they entered the house and opened the almirah kept in the house. After some time, the mother-in-law of complainant also came, who was threatened by the accused persons and after that PCR came and after coming of PCR, complainant and her husband came out from the house of neighbours which was in front of their house. This clearly shows that accused persons have forcefully entered into the house of the complainant in the night and also opened the almirah. www.voiceformenindia.com

The copy of bail register filed by IO shows that at 1:55 a.m. Neeraj went to the PS on foot. This shows that Neeraj has taken the recourse to the police and when Neeraj have taken the help of the police authority then accused persons should have also taken the help of police authority and should not have taken the law in their hand and committed the housebreaking at night and threatened the complainant family. www.voiceformenindia.com

Considering the heinous nature of the offence committed by accused persons at late hours of the night in the house of the complainant and investigation is required to recover the material which was taken out by them from the house of the complainant, therefore, applications for anticipatory bail is dismissed.

Applications are disposed of accordingly.

(Vipin Kharb)
ASJ-04(SW)/Dwarka Courts
02.05.23