

SC No. 508/2021
FIR No. 487/2021
U/Sec. 308/201 IPC
PS Badarpur
State vs. Parmanand

11.01.2022

THROUGH VIDEO CONFERENCING.

Present: Sh. Salim Khan, Ld. Chief Public Prosecutor for the State.

Sh. Sitab Ali, counsel for the accused **Parmanand**.

Complainant Ms. Manju with the counsel
Sh. Sandeep Mishra.

HC Santosh is present.

The **2nd bail application** under Section 439 Cr.P.C. dated 01.12.2021 has been moved on behalf of the accused for grant of regular bail.

It is submitted in the bail application that the accused was arrested by the police on 25.08.2021 and is in judicial custody since then. The allegations made against the accused are false, concocted and not sustainable in the eyes of law. It has been further submitted that it is essentially a matrimonial dispute between the accused and the complainant, which has been given the colour of criminality to falsely implicate the accused. There is no iota of truth in the allegations made against the accused. Merely because the accused denied to fulfill the unreasonable demands of the complainant for purchasing expensive clothes, jewellery and to execute some documents in respect of the property in her favour, she falsely

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implicate him in the present case. The complainant had threatened that if her demands are not fulfilled, she would leave him and marry some other person after implicating him in a false criminal case. It is submitted that the accused is not a rich person who can afford luxury items demanded by the complainant. It is submitted that because of the inability of the accused to fulfill the unreasonable demands of the complainant, she left the matrimonial home without informing the accused and has refused to return back till date. He tried to persuade her and to make her understand but the complainant refused to return. The attitude of the complainant became rude towards the accused and a false complaint was given in the Badarpur Police Station, which had been referred to Mediation Center, Central District, New Delhi, wherein they were advised to settle their dispute, but the complainant failed to do so. Despite this, accused has started giving Rs. 3,000/- as monthly pocket money to her. The complainant has therefore make up her mind to not reside with the accused and filed the present complaint. It is further submitted that the accused has never assaulted her with the hammer on her head and scissor on her hand and it a concocted story.

It is further submitted that the 1st bail application was filed before the Court of Ld. Addl. Sessions Judge, but the same was dismissed on the ground that the investigations were at an initial stage and charge-sheet has not been filed in the Court. It is further submitted that there are no chance of the accused absconding from the justice and the accused is ready to abide by

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all the conditions that may be imposed by the Court.

Ld. Chief Public Prosecutor has argued that injury was caused by the accused to the complainant with the hammer and scissor and statement of the complainant is yet to be recorded in the Court. The bail application is, therefore, opposed.

Ld. Counsel for the accused has submitted that the first wife of the accused is residing on the first floor, while the complainant is residing on the ground floor and he has already initiated divorce proceedings against the first wife. The complainant and accused have been residing together since last 10 years and at no point of time they have any fight or differences. It is the first time when the present incident has happened. The complainant had left the matrimonial home for the last 7-8 months and refused to return despite repeated requests and on this account the present incident had happened. It is denied that the injuries were inflicted with the hammer and scissor but it is claimed that only simple injuries were suffered by the complainant.

It is further submitted that on account of prevailing COVID -19 pandemic, there is likelihood of delay in the trial. The accused is permanent resident of Delhi and is not likely to abscond. He is in judicial custody since 25.08.2021. It is submitted that accused is willing to abide by any conditions that may be imposed by the Court and ready to reside in the house of his brother, while the complainant may continue living in the matrimonial home. A prayer is, therefore, made that the accused be granted regular bail.

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Ld. Counsel for the complainant has opposed the bail application on the ground that the murderous attack was made on the complainant with the hammer and scissor due to which she suffered simple injuries. It is asserted that there is likelihood of the accused threatening the complainant. The bail application is, therefore, opposed.

I have heard the arguments and perused the record.

My observations are as under:

The accused is in judicial custody since 25.08.2021. On account of prevailing COVID-19 pandemic, there is likelihood of delay in the trial of the accused. Charge-sheet has already been filed and charges have been framed. Considering the relationship between the accused and the complainant and the surrounding circumstances, accused **Parmanand is admitted to bail on his furnishing Personal Bond and Surety Bond in the sum of Rs. 15,000/- each to be furnished before the Ld. Duty Metropolitan Magistrate subject to the condition that he shall not visit the matrimonial home and shall not extend any threats to the complainant.**

The bail application stands disposed of.

Copy of the order be sent to the Court of Ld. Duty Metropolitan Magistrate for acceptance of the Bail Bonds.

(Neena Bansal Krishna)
Principal District & Sessions Judge
South East, Saket Courts
New Delhi : 11.01.2022 (KSR)