

SC No. 508/21
FIR No. 487/2021
PS Badarpur
State vs. Parmanand

17.07.2023

ORDER:

Present: Sh. Salim Khan, Ld. Chief Prosecutor for the State.
Accused on bail with counsel Sh. Sadik.
Complainant/Injured with LAC Sh. Rizwan Ali.

1. An application U/S 439B Cr.P.C filed by the accused is on record wherein accused has prayed for modification of the bail order dated 11.01.2022 and submits that the conditions that he shall not visit the complainant or shall not extend any threat to the complainant be removed. It is submitted that there is no threat from the accused to the complainant. In the application, it is stated that applicant/accused never misused the liberty granted by the court and prayed for removal of all the conditions imposed by the Court. He never threatened the complainant. Due to conditions imposed, accused has to live in a rented premises. He is just an Auto driver and is earning his livelihood by taking Auto on rent. The complainant is living at his house at the ground floor and she is on talking terms with him. Whenever, she is in need of any help, she calls him and therefore, he be allowed to live at his H.no. 412, Near Tughlakabad Metro Station, Main Mathura Road, Badarpur, New Delhi – 110044.

2. The application has been strongly opposed by the Ld. Chief Prosecutor for the State as well as by the Ld. Counsel for the complainant.
3. Counsel for the complainant submits that till date accused threatens the complainant. The first wife of the accused is also living nearby and accused can live with her. Since his first wife is alive and there is no divorce between them, therefore, complainant is not the legally wedded wife of the accused. He further submits that it is a one room accommodation and accused cannot be allowed to live there. Similar is the argument of the Ld. Chief Prosecutor.
4. I have heard counsels for both the parties as well as CPP for State and perused the record.
5. Counsel for the complainant submits that accused has other residential accommodation in the vicinity and therefore he can very well live there. Counsel for the complainant also submitted in the court that accused is still threatening the complainant. The allegations against the accused are very serious and he stabbed the complainant not only with pair of scissors but also with the hammer. There is every possibility that he will misuse the liberty granted by the Court. In such circumstances, conditions imposed by the Court vide bail order dated 11.01.2022 cannot be removed. **Application is dismissed, accordingly.** Copy of this order be given dasti.

(MADHU JAIN)
Principal District & Sessions Judge
South East District, Saket Courts
New Delhi: 17.07.2023