

Bail Matters 2584/2025
STATE Vs. SHOBHA DEVI
FIR No. 162/2024
PS- (Govind Puri)
u/s 498A/406/34 IPC

10.11.2025

Present application is being taken up in terms of Order No. 251 dated 04.11.2025 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, New Delhi. (Roster)

This is an application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Shobha Devi for grant of anticipatory bail.

Present : Sh. S. K. Kain, Ld. Addl. PP for the State.

Sh. Kumar Bhaskar, Ld. Counsel for the
applicant/accused.

IO/W SI Deepti Chaudhary is present.

1. Vide this order, I shall adjudicate upon the anticipatory bail application filed on behalf of the applicant/accused Shobha Devi. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused is the mother-in-law of the complainant Anuragini and that the applicant/accused has been falsely implicated in the present matter as she has nothing to do with the alleged offences. Ld. Counsel further submitted that the son of the applicant/accused namely Vikas Singh married with the complainant on 22.01.2018 at an Arya Samaj Mandir in New Delhi, without the knowledge and the presence of the applicant/accused as the same was love marriage. Ld. Counsel further submitted that the applicant/accused and her family members are not on talking terms

either with their son or their daughter-in-law and the applicant/accused's son has not come to visit him in Bihar since 2018 and therefore, there is no possibility of demanding dowry. Ld. Counsel further submitted that all the allegations levelled against the applicant/accused are false and fabricated. Ld. Counsel further submitted that applicant/accused herein is ready to join the investigation as and when required by the IO. Ld Counsel thus, submitted that anticipatory bail ought to be granted to the applicant/accused and she is ready to abide by all the terms and conditions imposed upon her by this court.

3. *Per contra* Ld. Addl. PP for the State along with IO/W SI Deepti Chaudhary opposed the anticipatory bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP further submitted that investigation is still on going and if, applicant/accused is granted anticipatory bail, she may jump the conditions of bail and may harm the complainant and therefore, she ought not to be granted anticipatory bail.

4. I have heard the arguments addressed by the opposite parties and also perused the records.

5. During the course of arguments, it was brought to the fore that the applicant/accused herein is mother-in-law of the complainant and she is ready to join the investigation as and when required by the IO. Further, it was also submitted by Ld. Counsel for applicant/accused that accused is ready to abide by all the conditions. In matters pertaining to matrimonial dispute, it would be apposite to refer to the following extract of **Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-**

“23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating

Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

***Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with*The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.*Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refuse the bail in exceptional circumstances.*The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously. In the matrimonial cases bail is a rule and refusal is an exception.”**

7. Incarcerating the applicant may tantamount to crossing the Rubicon, for an arrest may obviate chances of reconciliation, if any. Further, during the course of arguments, IO fairly conceded that applicant/accused has already joined the investigation and she is also ready to join the further investigation as and when required by the IO. Prima Facie custodial interrogation of the applicant/accused does not seem to be necessarily required for the purpose of recovery of any article from the present applicant/accused.

8. In the totality of the circumstances and in view of the submissions made, I deem it fit to grant the anticipatory bail to accused person namely Shobha Devi on the following conditions:-

a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 25,000/- each with one surety of the like amount to the satisfaction of the SHO/IO concerned.

b) The applicant is directed not to leave the country without prior permission of the Court.

c) The applicant shall join investigation as and when called by the IO.

d) The applicant is directed to give all her mobile numbers to the Investigating Officer and keep them operational at all times.

e) The applicant shall give her address to the IO and if, she changes the addresses, she shall intimate the same to the IO.

f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed of.

10. Copy of this order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /10.11.2025