

* **THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLICATION NO. 903/2009**

Date of Decision : 25.8.2009

Viond Kumar

.....Petitioner

Through: Counsel for the petitioner
(appearance not given).

Versus

STATE

..... Respondents

Through: Mr. Pawan Bahl, APP for
the State and Mr. R. T.
Tarun, Adv. for the
complainant.

CORAM :

HON'BLE MR. JUSTICE V.K. SHALI

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|----|---|-----|
| 1. | Whether Reporters of local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the Reporter or not ? | NO |
| 3. | Whether the judgment should be reported in the Digest ? | NO |

V.K. SHALI, J. (Oral)

1. This is an anticipatory bail application filed by the petitioner for an offence under Sections 498A/406 IPC registered vide FIR No. 96/2009 at P.S. Jahangir Puri, Delhi.
2. Briefly stated the prosecution case against the petitioner is that he got married to the complainant almost 13 years ago and from the wedlock the petitioner has two children. It is alleged by the complainant that from the very inception of marriage the petitioner started beating the complainant and was subjecting her to immense atrocities after consuming liquor. He would frequently threaten her that he would leave her. Even the brother-in-law (Dewar) of the

complainant named Pradeep and her mother-in-law also taunted her for getting the less dowry. The complainant's parents with a view to ensure that her daughter is not subjected to such atrocities had given dowry from time to time. Even at the time of marriage they had given cash of Rs.21,000/-, jewellery, cloths, utensils etc. and other things worth Rs.70,000/-. The complainant had earlier also lodged a report with the Crime against Women Cell against her husband. The complaint is having all the details as to how she was subjected to immense hardship and atrocities with a view to demand dowry. The complainant has also stated that her dowry articles have not been returned and hence the aforesaid case was registered against the petitioner.

3. I have heard the learned counsel for the petitioner as well as the learned counsel for the complainant apart from learned APP. I have also gone through the record. The learned counsel for the petitioner has prayed for grant of anticipatory bail on the ground that the petitioner has been cooperating with the Investigating Officer, and therefore, the interim protection which has been granted to him may be made absolute. As against this, the learned APP has vehemently opposed the request for grant of bail on the ground that the petitioner is working as a constable in Delhi Police and has become law unto himself. Previously also he had subjected his wife, the complainant to immense

atrocities with a view to demand dowry. The complainant had lodged a report with the Crime against Women Cell on two occasions when the petitioner had given in writing on 15.02.2001 and 26.4.2001 that he will not subject the complainant to any kind of harassment and he would take his wife/complainant to home, but despite this the same thing has been repeated again.

4. I have considered the submissions of the respective sides. The petitioner being a constable in Delhi Police instead of being law abiding citizen has shown delinquent proclivities. He in the past have also subjected the complainant to a great deal of harassment because of which the complaint was made to the Crime against Women Cell. The petitioner had given in writing that he would not harass the wife/complainant, but all in vain. The dowry articles have also not been returned, therefore, in my view the petitioner does not deserve being enlarged on anticipatory bail, in case, the petitioner is enlarged on anticipatory bail he will tamper with the evidence and further get emboldened to hamper the investigation.

5. Accordingly, for the foregoing reasons, the bail application of the petitioner is rejected.

V.K. SHALI, J.

AUGUST 25, 2009
KP