

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

+ **BAIL APPLICATION NO. 972/2009**

Reserved on : 16.09.2009
Date of Decision : 25.09.2009

Ashim Trehan

.....Petitioner

Through: Ms.Kamna Vohra,
Advocate.

Versus

State (NCT of Delhi)

..... Respondent

Through: Mr. Pawan Bahl, APP

**CORAM :
HON'BLE MR. JUSTICE V.K. SHALI**

1. Whether Reporters of local papers may be allowed to see the judgment? NO
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.

1. This is an application filed by the petitioner for grant of anticipatory bail in FIR No. 48/2009 under Section 498A/406/34 IPC registered at P.S. CWC Nanakpura, New Delhi. The allegations against the petitioner are that the wife of the petitioner had got a complaint lodged on 8th April, 2009 that is approximately a year after her marriage, complaining about the harassment by her husband and in laws by demanding dowry. It has been alleged that the petitioner and his other family members used to demand cash and costly items like car and they also used to taunt her for petty things. On the basis of the complaint the FIR was registered. The application for grant of anticipatory

bail by the petitioner before the learned Sessions Judge was rejected vide order dated 2nd May, 2009, although by the same order the other accused persons namely Jugal Kishore, Smt. Darshana, Vajant Trehan, Anju Trehan and Vikran Trehan were directed to be released on a personal bond in the sum of Rs.25,000/- each with one surety in the like amount to the satisfaction of the IO/SHO in the event of their arrest.

2. I have heard the learned counsel for the parties and perused the record. The matter was also sent to the Mediation and Conciliation Centre for the purpose of exploring the possibility of an amicable settlement between the parties, however, the same did not yield any result.
3. The learned counsel for the respondent/complainant had contended that all the dowry articles are yet to be returned especially the jewellery items and therefore, the petitioner may not be enlarged on anticipatory bail.
4. Merely because the petitioner has not returned the dowry articles to the respondent/complainant cannot be made as a ground for denying the benefit of bail when the very articles of dowry including the jewellery are in dispute. There are allegations and counter allegations regarding the existence and the return of dowry articles between the parties.
5. As most of the relatives of the petitioner have already been enlarged on bail, I feel that this is a fit case where the

petitioner should also be enlarged on bail on the same terms and conditions as were laid down in the case of other accused persons. I, accordingly direct that the petitioner be also released on anticipatory bail in the event of his arrest by furnishing of personal bond in the sum of Rs.25,000/- with one surety to the satisfaction of the IO/SHO concerned. However, the bail is granted to the petitioner subject to the following conditions:

- (a) He shall join the investigation as and when he is called upon to do so.
- (b) He shall not approach the respondent/complainant or any other witnesses and he will not tamper with the evidence.
- (c) The petitioner shall not leave the country without the permission of the Court.

6. For the reasons mentioned above, the bail application of the petitioner is allowed.

SEPTEMBER 25, 2009
KP

V.K. SHALI, J.