

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

Date of Reserve: October 28, 2010

Date of Order: 2nd November, 2010

+ Bail Application No. 1719/2010

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02.11.2010

Vikas Sapru

... Petitioner/Applicant

Through: Mr. Sunil Mittal, Advocate &
Mr. R.S.Goswami, Advocate

Versus

The State (Govt. of NCT of Delhi) & Anr.

... Respondents

Through: Mr. Arvind Gupta, APP for the State

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER

This petition under Section 438 read with Section 482 Cr.P.C. has been preferred by the husband of the complainant for anticipatory bail. An FIR under Section 498A/406/34 IPC has been registered against the applicant. Perusal of the complaint made by the wife would show that the applicant and complainant used to work in the same office and the complainant was already married. Divorce proceeding between her (complainant) and her earlier husband was going on. Complainant stated in her complaint that the applicant started showing sympathy with her and came close to her. She was having good job in the office, having good income. The parents of the applicant also started visiting her house and showing love and affection. Second motion for divorce by mutual consent with her earlier

husband was fixed on 25th April, 2006 and the applicant accompanied her to the Court and her statement was recorded on that day. She submitted that soon she was to leave for USA on official duty. The applicant was pressing hard for marriage immediately. She however, told the applicant that she would consider the proposal only after coming from US. However, parents of the applicant approached her parents and convinced them to have engagement on 28th April, 2006 whereas the formal order for divorce with her earlier husband was yet to be announced and the date was fixed as 1st May, 2006. She submitted that the emotional pressure exerted on her and her parents was so much that her parents agreed to have engagement on 28th April, 2006 and wedding on 30th April, 2006/01 May, 2006. *Pundit* of the applicant also played a part and told that after 1st May, 2006 there was no *muharrat* for next 2-3 months. She submitted that during this period when the applicant had been trying to have courtship with her, the applicant had been extracting money from her. His parents had also been visiting her house and at the time of marriage of sister of the applicant her parents made arrangement for marriage of her sister, booked Arya Samaj Mandir in Lajpat Nagar and spent about ₹75,000/-. In January, 2006 applicant requested the complainant to lend him ₹90,000/- for some time as the same was required by his sister for giving security and assured that it would be received. The complainant got a DD prepared in the name of Jyotsana Talwar as desired by the applicant from her HDFC bank account by issuing cheque no. 14604 and handed over this draft to applicant and his family. This money was also not returned. She submitted that after marriage she moved to the applicant's house at Ghaziabad and the true colours of the applicant and her parents came out, the applicant abused and insulted her. They went to Goa on

honeymoon trip, she was made to bear all the expenses as the applicant had told that he had no money. After returning from honeymoon she was told by her parents-in-law that they were under huge loan and they forced her to pay off their credit card debts. A further payment of ₹4 lac was made from her. When she stated that she had no more money she was abused by her husband in filthy language, ultimately she was forced to raise a personal loan of ₹4 lac in order to meet this demand and she paid this amount of ₹4 lac to her father-in-law through cheques nos. 45110, 45114, 45119 and some in cash. She was also forced to take a housing loan of ₹42 lac from HDFC Bank for a house in Dwarka however, her husband got his own name added as joint owner of the property despite the fact that the entire consideration was paid by her and loan amount (EMI of ₹42868/-) was to be deducted from her salary. She further stated that she was abused, insulted and tortured whenever she refused to pay money and demands of the applicant and his parents kept on increasing.

Considering the allegations made by the complainant, I consider that it is not a fit case for grant of anticipatory bail. The application is hereby dismissed.

November 02, 2010
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SHIV NARAYAN DHINGRA, J.