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

+ BAIL APPLN. 1163/2012

AJAY YADAV

..... Petitioner

Through: Dr.Aman Hingorani with Ms.Swati
Sumbly, Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms.Rajdipa Behura, APP for State/R-1.
Mr.Rajiv Kataria, Advocate for R-2/complainant.

AND

+ BAIL APPLN. 1150/2012

URMILA YADAV

..... Petitioner

Through: Dr.Aman Hingorani with Ms.Swati
Sumbly, Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms.Rajdipa Behura, APP for State/R-1.
Mr.Rajiv Kataria, Advocate for R-2/complainant

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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08.10.2012

These two applications have been filed by the husband and sister-in-law of the complainant respectively seeking anticipatory bail in case FIR No.132/2012, under Sections 498A/406/34 IPC, P.S. Vasant Kunj.

BAIL APPLN. 1163/2012

In this order, I would dispose of Bail Application No.1163/2012 filed by the husband of the complainant i.e. Ajay Yadav. It is submitted that in compliance with the directions of this Court, the petitioner has brought pay order in the sum of Rs.4 lacs which is in the name of the complainant. The pay order has been handed over to the complainant today in Court. The complainant/respondent No.2 is directed to open an account in the name of the minor child Sahil under her guardianship. This amount shall be kept in the form of FDR and the interest so accrued thereon shall be utilized for the welfare of the minor child. The sum of Rs.4 lacs so received by the complainant from the petitioner Ajay Yadav i.e. her husband, shall be without prejudice to the rights and contentions of the parties in any legal proceedings and subject to adjustment to any amount payable by the petitioner to the complainant or the minor child during the legal proceedings in future, if any.

The petitioner Ajay Yadav is a Commander in Indian Navy and is seeking anticipatory bail in the above case. The marital status of the petitioner and the complainant at the time of their marriage was that of a divorcee. The marriage has taken place long back on 23.04.2003.

Taking into consideration the nature of the offence i.e. under Sections 498A/406/34 IPC and that there is no chance of petitioner fleeing from justice, the fact that the marriage between the parties took place more than 9 years ago, I find it to be a fit case to enlarge the petitioner on anticipatory bail.

Accordingly, in the event of arrest of the petitioner Ajay Yadav, he

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shall be admitted to anticipatory bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned IO/SHO. The petitioner shall, however, join investigation as and when directed by the IO.

Crl.M.A.No.17588/2012

By this application moved under Section 340 Cr.P.C., the applicant/respondent No.2 seeks initiation of proceedings against the petitioner for having committed the offence of perjury by intentionally misstating and swearing a false affidavit before the Court.

Since this Court is dealing only with the anticipatory bail application of the petitioner, the present application seeking initiation of perjury proceedings against the petitioner is misconceived and the same is hereby dismissed.

Crl.M.A.Nos.13469-13470/2012 (Exemption) in BAIL APPLN. 1150/2012

Allowed, subject to all just exceptions.

Applications stand disposed of.

BAIL APPLN. 1150/2012

In this order, I would dispose of Bail Application No.1150/2012 filed by the sister-in-law of the complainant i.e. Urmila Yadav.

The petitioner Urmila Yadav is real sister of Ajay Yadav, petitioner in Bail Application No.1163/2012. As per averments made in the bail application, she was married on 08.05.1984 i.e. almost 19 years prior to the marriage of the complainant with her brother. She is residing separately in

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Gurgaon with her husband.

On behalf of the complainant, it has been submitted that the jewellery articles are lying with the petitioner, as admitted by Ajay Yadav in his writing that the articles are lying with Dad and Didi and on this score prayer for grant of anticipatory bail has been opposed.

On behalf of the petitioner, it has been submitted that this writing is in the handwriting of the complainant herself as Ajay Yadav being in Indian Navy, left blank signed papers with his wife which have been misused by the complainant. The petitioner denies being in possession of any of the articles of the complainant.

Taking into consideration the nature of allegations and that the petitioner Urmila Yadav is married sister-in-law of the complainant living separately from them, I find it to be a fit case to enlarge the petitioner on anticipatory bail.

Accordingly, in the event of arrest of the petitioner Urmila Yadav, she shall be admitted to anticipatory bail on her furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned IO/SHO. The petitioner shall, however, join investigation as and when directed by the IO.

Both the bail applications stand disposed of.

A copy of this order be given *dasti* to the counsel for the petitioner, as prayed.


PRATIBHA RANI, J

OCTOBER 08, 2012

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