

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11th September, 2015

BAIL APPLN. 501/2015

CHETAN KAPOOR @ VIKAS

..... Petitioner

Through Mr. S.P.Sharma, Advocate along with the
petitioner in person.

versus

STATE

..... Respondent

Through Mr.Manjeet Singh Oberoi, APP.
SI Hira Lal, P.S.Moti Nagar.
Mr.A.K.Bhardwaj, counsel for the
complainant along with the complainant
in person.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in F.I.R.No.1045/2014 under Section 498A/406/34 IPC registered at Police Station Moti Nagar, Delhi.

2. The case of the prosecution is that the complainant/wife lodged a complaint dated 21st October, 2014, against the applicant/husband before the Crime Against Women Cell, Kirti Nagar, New Delhi, alleging therein that she was being harassed by her applicant/husband for dowry and that her stridhan had been misappropriated by the applicant/husband.

3. Despite repeated attempts the discord/dispute between the applicant/husband and the complainant/wife, could not be settled. The subject F.I.R. came to be registered on 21st October, 2014.

4. The applicant/husband who is present in Court states that he is willing to give a sum of Rs.5,00,000/-(Rupees Five Lakh) to his complainant/wife, so that the latter can invest that money to inure to the benefit of their minor child, namely, Naman. Learned counsel appearing on behalf of the applicant/husband submits that the applicant/husband proposes to do so within a period of two months.

5. The said proposal made on behalf of the applicant/husband is accepted as an undertaking by this Court.

6. A sum of Rs.5,00,000/-(Rupees Five Lakh) in favour of the complainant/wife by way of a Demand Draft be handed over to learned counsel appearing on behalf of the complainant/wife, so as to enable the complainant/wife to invest the same as a Fixed Deposit in a nationalised Bank within a period of two months.

7. In view of the aforesaid, the only ground on which the applicant's prayer for grant of anticipatory bail is opposed is that the stridhan belonging to the complainant/wife is still in his possession.

8. There is no gainsaying the fact that the proceedings under Section 498A/406 IPC are not meant for the recovery of jewellery and dowry articles. The applicant/husband cannot be denied bail only on the ground that his release would render the recovery of jewellery and other dowry articles difficult. The complainant/wife can, if she so chooses, move the Civil Court for recovery of articles.

Ref: (Jagdish Thakkar vs. State of Delhi, reported as 1993 JCC 117) and (Deepak Kumar and Anr. vs. State, reported as 2008 (3) Crimes 447 (Del.)

9. In view of the foregoing, the present bail application is allowed. In the event of his arrest the applicant/husband would be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/-(Rupees Twenty Thousand) with one local surety in the like amount to the satisfaction of the Arresting Officer/Station House In-charge/Officer of the concerned Police Station; subject to the further condition that he shall comply with the directions given by this Court in regard to the undertaking given by him in his Court. He shall co-operate with the investigation and make himself available for questioning as and when called upon by the concerned Police Officer.

10. The Bail Application is disposed of accordingly.

11. Dasti.

SIDDHARTH MRIDUL, J

SEPTEMBER 11, 2015

bp