

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2627 OF 2015

ORDER:

The present application is filed by the petitioner/A-1 under Section 438 Cr.P.C., seeking transit bail in Crime No.148C of 2015 of Women Police Station, Srinivaspuri, Delhi, registered for the offence punishable under Section 498-A IPC.

The case of the prosecution is as under :

The petitioner(A-1) herein is the father-in-law of the informant while A-2 is the son of A-1. The material placed before this Court would show that Women P.S., Sub Inspector Varma Devi is said to have issued a notice to the petitioner and his son, pursuant to a report given by Smt. Sabina Athar, requesting the petitioner to appear before them on 18.03.2015 at 2.00 p.m., for reconciliatory proceedings. Subsequently, the petitioner was directed to appear before them on 06.04.2015. Except this notice no other material is placed before this Court to show the nature of allegations made against the petitioner. The only ground urged by the learned counsel for the petitioner that the petitioner is an old man aged about 68 years suffering with ailments and if he is arrested he will be put irreparable loss and injury.

The issue as to whether transit bail can be granted or not came up for consideration in number of cases. The Rajasthan High Court in S.B.Cr.Misc.Bail Application No.8729 of 2009 **Syed Mohammad Masood v. State of Rajasthan and another** observed that "the applicant must have reason to believe that he may be arrested in a non bailable offence and on reasonable grounds. Mere "fear" is not "belief" for which reason it is not enough for the applicant to show that he has some sort of vague apprehension that some one is going to make an accusation against him in pursuance of which he may be arrested. Grounds on which the belief on the applicant is based that he may be arrested in non-bailable offence must be capable of being examined. If an application is made to the High Court or the Court of Session, it is for the Court concerned to decide whether a case has been made out of for granting the relief sought."

A learned Single Judge of Karnataka High Court in **Vijay Sampath v. State by Darya Ganj Police Station** granted transit anticipatory bail enabling the petitionr therein to get appropriate suitable orders from the Court at Delhi since the police are making every attempt for arresting the petitioner.

But a perusal of the judgments referred to above, it is clear that the Court on being satisfied with the material available on record and taking into consideration the nature of the allegations made can grant transit bail for a limited period so as to enable the petitioner to get appropriate orders from the concerned court. In the instant case, no material is placed before this Court showing the nature of allegations made against the petitioner. Without a copy of F.I.R., it is very difficult to say that a case has been made out for grant of transit anticipatory bail. Hence, I am not inclined to accept the request of the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

Date:02.04.2015

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