

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

Date of Decision: January 27, 2015

+ BAIL APPLN. 1901/2014

RATTANDEEP BABRAA

..... Petitioner

Through: Mr. Hiteshi Arora, Advocate

versus

STATE

..... Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with WSI Asha
Mr. V.K. Ohri, Advocate with
complainant/ first-informant in
person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Petitioner is the husband, who is accused in FIR No.9/2014, under Sections 406/498A/34 of the IPC, registered at police station CAW Cell, Nanakpura, Delhi and is seeking pre-arrest bail in this application.

Upon notice, learned Additional Public Prosecutor for respondent-State has placed on record status report.

At the hearing, it was submitted by learned counsel for petitioner that in the FIR in question, allegations are of misappropriating dowry articles worth ₹65 lacs but the bills for dowry articles, which are forthcoming, are of ₹18 lacs only and infact, the complainant/ first-

informant of this FIR had taken her jewellery. It is submitted on instructions by learned counsel for petitioner that without prejudice to his rights, petitioner-husband is ready to deposit a sum of ₹15 lacs toward unreturned dowry articles and so, petitioner deserves pre-arrest bail.

Learned Additional Public Prosecutor for respondent-State, who is assisted by learned counsel for complainant/ first-informant, has drawn attention of this Court to the contents of the FIR in question to submit that the conduct of petitioner from the very beginning was not only cruel but was infact torturous and as per status report, *istridhan* articles of ₹57,85,000/- are yet to be recovered and there is apprehension of petitioner-accused fleeing away if released on bail. It was pointed out that a Look Out Circular had been issued against petitioner on 28th August, 2014 and the case is still pending at the investigation stage. Thus, there is a strong opposition to the grant of pre arrest bail to petitioner-accused.

Upon hearing and on perusal of the FIR in question and the status report, I find that petitioner has not only treated the complainant/ first-informant with cruelty but has gone to the extent of labeling her as a character less woman. The sequence of events disclosed in the FIR/ complaint in question dissuades this Court to extend concession of pre-arrest bail to petitioner-accused. It is evident from the status report that *istridhan* articles worth ₹57,85,000/- still stand misappropriated by petitioner.

In the facts and circumstances of this case, I do not find it to be a fit case to grant pre-arrest bail to petitioner-accused. Petitioner is directed to surrender forthwith.

This application is disposed of while not commenting on the merits, lest it may prejudice petitioner as and when he seeks regular bail.

(SUNIL GAUR)
JUDGE

JANUARY 27, 2015

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