

\$~24

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

+ CRL.REV.P. 678/2012

RAJNI

..... Petitioner

Through: Ms. Sanyogita Swaroop, Adv.

versus

STATE & ORS.

..... Respondents

Through: Mr. M.P. Singh, Adv.

SI Manish Kumar CAW Cell, East Delhi

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

19.10.2015

The petitioner seeks cancellation of the anticipatory bail which was granted to the respondent by the court below vide orders dated 31.10.2012 and 7.11.2012.

The petitioner was married to respondent No.2 in the year 2007 according to the Hindu religious rites. After the marriage, it is alleged that ill treatment for additional dowry and a car was meted out to her. Despite this, the petitioner continued to stay with her husband. A son was also born out of the wedlock but the ill treatment and cruelty did not abate. A written complaint, therefore, was lodged by the petitioner before CAW Cell, Krishna Nagar.

A petition under Section 12 of the Domestic Violence Act was preferred by the petitioner against respondent No.2 and his family members before Karkardooma Courts. A case of maintenance was also filed as the

respondent No.2 was alleged to have neglected to maintain either the petitioner i.e. his wife or the son. The dispute between the husband and wife is still continuing over the custody of the minor child, Arjun.

Respondent No.2 was granted provisional anticipatory bail by order dated 31.10.2012 and he was directed to join investigation and not to leave the country without prior permission of the Court, which order was confirmed by order dated 07.11.2012.

While canvassing the case for cancellation of anticipatory bail, it was submitted on behalf of the petitioner that her husband had subjected her cruelty and the 'stree dhan' of which he is in possession, was not returned.

In the order dated 7.12.2012 whereby the interim order dated 31.10.2012 granting provisional anticipatory bail to respondent No.2 was confirmed, the court below has held that the complainant/petitioner did not cooperate with the investigating officer in the recovery proceedings.

It was found by the Court below that there was no attempt by the petitioner (complainant) of identifying the 'stree dhan' despite the Police having conducted raid in the house of the respondent.

Considering the above aspect, in the opinion of this Court, no good ground for interfering with the aforesaid order granting anticipatory bail to respondent No.2, has been made out.

Learned counsel for the State submits that the charge-sheet has been submitted against respondent No.2 on 24.7.2015.

The petitioner, if so advised, could pursue her case before the Court below in trial.

With these observations, the revision petition is dismissed.

ASHUTOSH KUMAR, J

OCTOBER 19, 2015/ns