

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

Date of hearing and order : December 07, 2015

+ BAIL APPLN. 2577/2014

DEEPAK KUMAR Petitioner

Through: Mr.Satish Tamta, Advocate.

versus

STATE Respondent

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for the State
Ms.Manjeet Kaur, Advocate for the
Complainant.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER

P.S.TEJI, J. (Oral)

1. The petitioner herein is the husband of the complainant – Preeti Shokeen and the marriage between them was solemnised on 3rd February 2001. The complainant has alleged in her complaint that her husband and her in-laws were not satisfied with the dowry even at the time of marriage and she was being tortured on account of demand of dowry. It is also alleged in the complaint that the petitioner herein and his parents demanded Rs.5 lacs from her on the pretext of expanding

their business. Not only this, it is also alleged that on two occasions the petitioner even tried to strangle her and she was compelled to give Rs.2 lacs to the petitioner in order to save her married life.

2. On the recommendation of the CAW Cell, the aforesaid complaint was registered as FIR No. 554/2014 under Sections 498A/406/34 of Indian Penal Code at Police Station Sangam Vihar, Delhi. During investigation, the petitioner moved an application before the learned Additional Sessions Judge seeking anticipatory bail, which was dismissed by the Trial Court vide order dated 24th November 2014.

3. Thereafter, the petitioner filed the present petition under Section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail in the aforesaid case. When the present petition came up for hearing before this Court on 28th November 2014, the learned Additional Public Prosecutor for the State accepted notice on behalf of the State and sought time to file response to the present petition. However, both the parties showed their willingness to amicably settle their inter se disputes through the medium of Delhi High Court Mediation & Conciliation Centre and accordingly the parties were

directed to appear before the Delhi High Court Mediation & Conciliation Centre on 1st December 2014 at 2.30 PM. In the meanwhile, subject to petitioner's joining the investigation, the Court directed not to take any coercive steps against the petitioner.

4. On 28th January 2015, counsel for the parties informed the Court that the mediation between them has failed and learned Additional Public Prosecutor for the State submitted that the petitioner was required for investigation in this case. Thereupon, counsel for the petitioner, on instructions from the petitioner, undertook before the Court that the petitioner will appear before Sub-Inspector Prem Kumar, Investigating Officer of this case on 29th January 2015 and thereafter, as and when called. Consequently, the interim protection was extended to the petitioner till next date of hearing.

5. The Delhi High Court Mediation & Conciliation Centre has filed its report dated 17th March 2015 reporting that the mediation sessions were held with the parties and their respective counsels on 19.02.2015 and 13.03.2015 but despite best efforts, no settlement could be arrived at. The mediation ended as a 'Non-Settlement'.

Accordingly, a similar order was passed by this Court on 19th May 2015 extending the interim protection to the petitioner subject to his appearing before the Investigating Officer on 21st May 2015 at 4.00 p.m. and thereafter, as and when required.

6. The State has filed its status report informing that the petitioner had joined the investigation and he has already been disowned by his parents and presently he is working as a driver and earning Rs.8,000/- per month and he does not own any property except the ancestral land measuring 11 bigha 5 biswa situated at Village Jeetpura Kharak, District Bijnore, U.P. The State has further reported that the investigation is still in progress and the petitioner is required for investigation. Counsel for the petitioner, on instructions from the petitioner, undertook that the petitioner will appear before the Investigating Officer of this case as and when required.

7. I have heard the submissions made by learned counsel for the petitioner and have gone through the status report filed on behalf of the State.

8. Considering the aforesaid facts and circumstances of the case,

this Court observes that the dispute between the parties relate to a matrimonial one and the investigation is going on and the petitioner has joined the investigation and had appeared before the Investigating Officer of this case, whenever he was called. The petitioner has also not misused the liberty of interim protection granted to him vide order dated 28th November 2014. Therefore, this Court is inclined to extend the interim protection to the petitioner. Accordingly, the order dated 28th November 2014 granting interim protection to the petitioner is made absolute.

9. Consequently, it is ordered that in the event of arrest of the petitioner – Deepak Kumar, he be admitted to bail on furnishing a personal bond in the sum of Rs.20,000/- with two sureties of the like amount to the satisfaction of the arresting officer. Petitioner is directed to appear before the Investigating Officer as and when required, he shall not tamper with the evidence, he shall not influence the prosecution witnesses and shall not leave the country without prior permission of the concerned Court.

10. Needless to say that anything observed in the present case shall have no bearing on the merits of the case.

11. With aforesaid directions, the present bail application stands disposed of.

12. Dasti.

(P.S.TEJI)
JUDGE

DECEMBER 07, 2015
pkb