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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 261/2016**
TAPAN KUMAR MUKHERJEE

..... Petitioner

Through: Mr. Mayank Goel, Mr. Kumdilong
Kessen, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Meenakshi Chauhan, Additional
Public Prosecutor for the State with
Sub-Inspector Amit Kumar, Police
Station Greater Kailash, Delhi
Counsel for the complainant.
(presence not given)

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

ORDER
% **04.02.2016**

Crl. M.A. No.1971/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Bail Appl. No. 261/2016 & Crl. M.(Bail) No. 227/2016

By this petition filed under Section 438 read with Section 482
of Cr. P.C., the petitioner is seeking anticipatory bail in a case

registered vide FIR No.548/2015 under Section 498A/406/34 of IPC, at Police Station Greater Kailash I, Delhi.

Notice.

Ms. Meenakshi Chauhan, Additional Public Prosecutor accepts notice of the petition on behalf of the State.

Brief facts of the case are that the marriage between the applicant and the complainant was solemnised on 07.09.2013 and on 04.03.2014 the applicant got a call from the local police station to visit as it was informed that the complainant has made a complaint. Petitioner visited the Police Station and after hearing both the sides, the police official did not register any FIR. After few days, the complainant had filed domestic violence complaint before the Magistrate, Saket Courts, New Delhi against the petitioner as well as his mother and sister. The concerned magistrate even without issuing notice to the applicant, dropped the mother and sister of the applicant from the said proceedings. The petitioner joined the investigation and filed his reply to the complaint. On 15.04.2014, the protection officer visited the matrimonial home and the complainant collected various personal articles from the second floor of the premises. Complainant

also filed an application for maintenance which was dismissed on 08.08.2014, which was however partially reversed by the Sessions Court and granted maintenance to the minor son for the period he was in his mother's womb. SMSs from the complainant seeking forgiveness for her short tempered nature were sent to the petitioner. Complainant has filed a complaint before CAW Cell, Srinivaspuri, under Section 498A/406/34 of IPC after one year and six months of her separation and filing of domestic violence complaint. Thereafter, the said complaint was converted into an FIR on 27.11.2015.

Mr. Mayank Goel, counsel for the petitioner contended that the petitioner has already joined investigation and also visited the Police Station on a few occasions. The petitioner alongwith with his mother and sister also applied for anticipatory bail. Though the interim protection was given to the mother and sister but the application filed by the petitioner was rejected by the Trial Court on 27.01.2016.

After hearing both the sides and perusing the contentions raised in the bail application filed by the petitioner and considering the facts and circumstances of the present case, this Court is inclined to grant anticipatory bail to the petitioner – Tapan Kumar Mukherjee subject

to his appearance before the Investigating Officer of the case, as and when required and in the event of his arrest, the petitioner be released on bail subject to his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting officer.

Petitioner is directed to cooperate the investigation and not to tamper with the evidence.

With aforesaid directions, the present bail application filed by the petitioner is allowed and consequently the same as well as application seeking interim bail is disposed of.

Dasti.

P.S.TEJI, J

FEBRUARY 04, 2016
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