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

+ **BAIL APPLN. 983/2016**

MOHD. SADAQUEEN

..... Petitioner

Through: **Mr. O.P. Aggarwal, Advocate along
with petitioner in person.**

versus

STATE (NCT OF DELHI)

..... Respondent

Through: **Mr. Ashish Dutta, APP along with SI
Pushpa, PS-Hauz Qazi, for the State.
Mr. Javed Khan, Advocate for and
along with complainant in person.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
28.07.2016

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The applicant has preferred the present bail application under Section 438 Cr.P.C. to seek anticipatory bail apprehending arrest in case FIR No.332/2015 under Section 498A/ 406/ 34 IPC registered at Police Station – Hauz Qazi. The applicant was married to the complainant Busra on 05.02.2014. Out of the wedlock a girl child was born on 18.10.2014. The complainant/ wife made a complaint which led to registration of the aforesaid FIR. The complainant demanded return of her dowry articles including the gold jewellery given to her at the time of her wedding. According to the complainant, 30 Tolas gold, apart from other dowry articles of the value of Rs.3 Lakhs were given at the time of marriage. Pertinently, the applicant has prepared a list of articles, which he admits to

have been given in dowry or which are belonging to the complainant, and which he states that he is willing to return. The list of those articles has been placed on record as Annexure-H.

A perusal of the list of articles shows that the same primarily is in respect of personal clothing of the complainant apart from things such as Window AC, electric press, crossing machine, etc. The above list shows that the complainant was given reasonable amount of dowry in the wedding.

The claim of the applicant that the complainant had taken away all her jewellery and gold when she left the matrimonial home, cannot be accepted on face value. It seems rather unusual that a lady who would leave the house out of some acrimony with the husband and his family members would take away or be permitted to take away all her gold jewellery and silver items. Normally, when a lady leaves the house out of such acrimony she would not leave with the intention of parting ways from her husband and from the matrimonial home on a permanent basis.

In these circumstances, it appears to me that the applicant is not coming out with the truth and is not cooperating in the matter of return of the dowry articles of the complainant. His custodial interrogation is necessary to unearth the facts.

Accordingly, the bail application is dismissed.

VIPIN SANGHI, J

JULY 28, 2016

B.S. Rohella