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

DECIDED ON : 6th APRIL, 2016

+ **BAIL APPLN. 1868/2014 & CRL.M.A.No.3222/2015**

JITENDER VERMA

..... Petitioner

Through : Mr.Sameer Mendiratta, Advocate
along with petitioner in person.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through : Mr.Vinod Diwakar, APP with SI
Rajendra.
Mr.Vipin K.Singh, Advocate for the
complainant along with complainant
in person.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.395/2014 under Sections 406/498A/34 IPC PS Vikas Puri. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. Vide order dated 25.08.2014, the petitioner was granted interim protection. Observing that the marriage between the parties took place on 19.02.1999 and the

complainant had a minor child aged around fourteen years studying in K.R. Manglam Public School, vide order dated 14.11.2014, the petitioner was directed to pay ₹35,000/- per month as interim maintenance from January, 2014. The petitioner did not comply the said order and on 11.02.2015 offered to pay ₹1 lac within two days. The petitioner was directed to clear the arrears within a month. Subsequently, CrI.M.A.No. 3222/2015 was filed for modification of the order dated 14.11.2014 to reduce the interim maintenance to ₹15,000/-.

3. Counsel for the petitioner urged that a false complaint has been lodged by the complainant against him. She has illegitimate and illicit relationship with one Manish Sahgal with whom she used to have conversation on mobile during late night for long duration. He has filed divorce petition under Section 13 (1)(i-a) of Hindu Marriage Act, 1955. He has been turned out from the matrimonial home by the complainant on 19.01.2014. The complainant has also filed a petition under D.V.Act against him.

4. Admitted position is that the parties had married on 19.02.1999; they have a 14 / 15 years old son presently living with the complainant. The parties are living separate since January, 2014. In the complaint dated 23.01.2014, the complainant levelled serious allegations against the petitioner for physical and mental torture on account of dowry demands. She further alleged that the petitioner was having extra marital affairs with a girl 'X' (name withheld). When she objected to that relationship, she was beaten. She gave detailed instances in her complaint whereby, on various dates, she was physically and mentally harassed and threatened. She alleged that on 19.01.2014 when she was preparing breakfast in the kitchen, the

petitioner threw the hot pressure cooker on her resulting in several burn injuries. Police was informed and she was taken to DDU Hospital where she was medically examined. She further disclosed that the petitioner used to send vulgar SMSs on her mobile.

5. Learned counsel for the petitioner urged that after the grant of interim protection, its terms and conditions were never violated. The so called vulgar messages were not sent by him. Moreover these pertain to the period in April, 2013 and May, 2014.

6. On perusal of the contents of the FIR, it reveals that various specific and categorical allegations have been made by the complainant against the petitioner regarding physical and mental cruelty. In the instant petition also, the petitioner has accused her of having physical relation with one Manish Sahgal. The petitioner has not cleared the arrears of maintenance in compliance of the order dated 11.02.2015. The complainant / Investigating Officer has placed on record SMSs dated 18.04.2013 and 11.05.2014 sent by the complainant to the petitioner on her mobile. In these text messages, the petitioner has abused the complainant in filthy language and has extended various threats. It appears that he considers himself above law and has no respect for it. He has boasted to 'purchase' justice with money-power. He has not spared even her son. These messages are obscene and derogatory in nature. The petitioner apparently attempted to criminally intimidate the complainant to perpetrate physical and mental trauma. Petitioner's outrageous conduct disentitles him to get any discretionary relief of anticipatory bail. During investigation, he was directed to produce his mobile to which he claimed that it was lost near India Gate. This fact requires to be ascertained.

7. Considering the serious allegations against the petitioner and violent conduct in sending vulgar messages to the complainant, I find no sufficient ground to grant the benefit of bail. The bail application is dismissed. Pending application also stands disposed of.

8. Observations in the order shall have no impact on the merits of the case(s) pending between the parties.

(S.P.GARG)
JUDGE

APRIL 06, 2016 / tr

