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

+ **BAIL APPLN. 1783/2016**

NIKHIL AGARWAL

..... Petitioner

Represented by: Mr. Adish Aggarwala, Sr. Adv.
with Mr. Amish Aggarwala,
Adv.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
H.P. Mudgal, PS Paschim
Vihar.
Mr. Vivek Vidyarthi, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.09.2016

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Crl.M.A. 13460/2016

Exemption allowed subject to just exceptions.

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Notice. Learned APP for the State accepts notice.

Learned counsel for the Respondent No.2 also accepts notice.

By the present petition the petitioner who is the husband of the complainant seeks anticipatory bail in case FIR No. 210/2016 under Sections 498A/406/34 IPC registered at PS Paschim Vihar on the complaint of respondent No.2.

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Learned counsel for the petitioner contends that the allegations in the are devoid of merit. There is no allegation of any offence being committed at Delhi and that the FIR registered at Delhi is beyond the jurisdiction. The petitioner is paying regular maintenance of ₹4,000/- per month for the respondent No.2 and the two children who are in her custody. Learned counsel for the petitioner further states that to show his bonafides he will deposit a sum of ₹ 7 lakhs with the Registrar General of this Court which will be without prejudice to the rights and contentions of the parties and will not be considered as part of the maintenance and will be accounted for when the matter is decided finally by the Trial Court or the Family Court or finally settled between the parties.

The allegations of the complainant in the FIR are that the marriage between the complainant and petitioner was performed on 17th April, 2008 at Kolkata and at the time of marriage she was working as a teacher earning a sum of ₹20,000/- per month. Though initially she was assured that she could work but later she was told that she will not be able to work as they were financially well off and she was asked to leave the job. Despite expensive gifts and jewelleryes given in the functions and two functions being performed at five star hotels, the complainant was harassed for demand of dowry. The jewellery of the complainant was taken by the mother-in-law and whenever she demanded the same most of the time it was denied. The allegations are of demand of TV and other articles on the birthday and various other religious functions. The complainant was taunted for bringing less dowry.

Since the petitioner is showing his bonafides and is willing to join the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned and as undertaken he will deposit a sum of ₹7 lakhs within four weeks in an FDR in the name of Registrar General of this Court which will be de-hors the maintenance being paid to the complainant and the two children or any other order of maintenance passed and will be subject to the final outcome of the proceedings before the learned Trial Court in the above-noted FIR or the Family Court or any final settlement between the parties. The money so deposited will be kept in a fixed deposit so as to earn interest thereon.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 05, 2016
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