

\$~17

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

+ **BAIL APPLN. 1811/2016 & CrI.M.B. 1605/2016**

MOHD.IRFAN

..... Petitioner

Represented by: **Mr. Syed Irfan Alam, Ms. Sana Khan, Advs.**

versus

GOVT. OF NCT OF DELHI

..... Respondent

Represented by: **Mr. Ravi Nayak, APP.
Mohd. Elahi, Adv. for
complainant.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
20.09.2016

%

1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.12/2016 under Sections 498A/406/34 IPC registered at PS Bara Hindu Rao.

2. The allegations against the petitioner who is the husband of the complainant are that the petitioner and his family members subjected the complainant to cruelty on the pretext of non-fulfilment of dowry demand, a car, flat and cash of ₹4-5 lakh was demanded after 2-3 months of marriage and the complainant was tried to be thrown out from the gallery of the matrimonial house.

BAIL APPLN. 1811/2016

page 1 of 3

3. As per the status report though the petitioner joined the investigation on 23rd March, 2016, however he did not deposit the istridhan articles and sought for more time. Learned APP for the State submits that after the filing of the status report part of istridhan articles have been recovered, however substantial istridhan are yet to be recovered.

4. Learned counsel for the petitioner submits that he will not object to the release of the motor-cycle recovered from him to be released in favour of the complainant before the learned Trial Court. Learned counsel on instructions from the father of the petitioner who is present in Court further states that to show their bonafides, the petitioner is willing to deposit a sum of ₹3 lakhs within one month before the Registrar General of this Court and a further sum of ₹2 lakhs within a further two months without prejudice to his rights and contentions and the amount so deposited should not be counted as maintenance nor be given to the complainant till the issues are finally decided between the parties by the Trial Court or the family Court or by way of a family settlement.

5. Considering the facts and circumstances of the case, 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 will deposit a sum of ₹3 lakhs with the Registrar General of this Court within one month from today and a further

sum of ₹2 lakhs with the Registrar General of this Court within two months thereafter. The amount of ₹5 lakhs so deposited by the petitioner will be kept in a fixed deposit so that the same earns interest, will be without prejudice to the rights and contention of the parties and will not be released to the complainant till a final decision is given by the learned Trial Court in the above-noted FIR or by the family Court or the parties finally enter into a settlement. The investigating officer is directed to get recovered the duly identified articles of istridhan of the complainant which are in possession of the petitioner or his family members.

6. Petition and application are disposed of.

7. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 20, 2016
‘ga’