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

+ **BAIL APPLN. 2169/2016**

**SURESH CHAND**

..... Petitioner

Through: **Mr. Sushant Mukund, Advocate**

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through: **Mr. Ashish Dutta, APP with SI Neha Chaudhary, PS GTB Enclave**

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**

**24.10.2016**

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Issue notice. Notice is accepted on behalf of the State. The petitioner has preferred the present bail application to seek anticipatory bail apprehending arrest in case FIR No.342/2016 under Section 498A/406/354/328/377/506/323/34 IPC registered at PS GTB Enclave, CAW Cell, NE Distt. The petitioner is the father-in-law of the complainant.

The submission of learned counsel for the petitioner is that the petitioner himself is a Head Constable in Delhi Police. The complainant is also a constable in Delhi Police. Learned counsel submits that the petitioner has already joined the investigation and there is no reason to arrest him as it cannot be apprehended that he will flee from justice.

So far as the aspect of jewellery articles is concerned, learned counsel for the petitioner submits that the petitioner has already offered to return the dowry articles, which the complainant has refused to accept. Learned

counsel states that the jewellery articles were not in the possession of the petitioner and they were already in possession of the complainant. Learned counsel submits that it would be a matter of trial as to whether or not the petitioner has detained any of the dowry/ jewellery articles.

Learned counsel submits that certain allegations made in the complaint/ FIR demonstrates the falsity in it inasmuch, as, acts have been alleged against the petitioner at a point of time when he was on official duty.

Mr. Datta submits that the duty allocation of the petitioner at the time when one of the incidents is allegedly committed leading to invocation of section 354 IPC is under verification.

Having considered the facts and circumstances of the case, in my view, at this stage, it cannot be said that the custodial interrogation of the petitioner would be necessary. Since the petitioner himself is a Head Constable with Delhi Police and he states that he has been cooperating and shall continue to cooperate in the investigation, it is directed that in case of his arrest the petitioner shall be released on bail upon furnishing his personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the arresting officer. This is further subject to the condition that he shall cooperate in the investigation and shall join the same as and when called for. He shall not contact the complainant or any witnesses or in any manner try to coerce or influence them.

The application stands disposed of. Dasti.

**VIPIN SANGHI, J**

**OCTOBER 24, 2016**

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