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

+ **BAIL APPLN. 2019/2015**

UTSAV KUMAR

..... Petitioner

Represented by: Mr. Dayan Krishnan, Sr. Adv.
with Ms. Nazoo Sharma, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Neelam Sharma, APP with
SI Amit Kumar PS Farsh
Bazar.
Ms. Geeta Luthra, Sr. Adv.
with Mr. Prateek Yadav, Adv.
for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.07.2016

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By this petition the petitioner who is the husband of the complainant seeks anticipatory bail in case FIR No. 431/2015 under Sections 498A/406/34 IPC registered at Farsh Bazar.

Learned counsel for the petitioner submits that the petitioner has cooperated in the investigation and is continuing to pay ₹1,80,000/- per month to the complainant for her and their minor child. All the Istridhan articles except four items have already been returned. The said four items of gold articles are not in possession of the petitioner and thus he is not able to return the same as the same were stolen.

Learned counsel for the complainant states that theft was of jewellery

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items amounting to ₹12 lakhs which was stage managed by the petitioner. The complainant was threatened by knife twice.

Learned APP for the State has taken me through the FIR. On a query put as to whether there was any medical relating to the two incident, learned APP answers in the negative. The petitioner has already joined the investigation. He is working at Philippines. His mother who is a widow is residing in India. Thus the petitioner has roots in the society.

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 ₹50,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned. The petitioner will deposit FDR for a sum of ₹ 10 lakhs within two weeks with the learned Trial Court as security for his being available during investigation and trial. The petitioner will join the investigation as and when directed, however the investigating officer will take into consideration the fact that he is not unnecessarily troubled and repeatedly called for investigation and whenever he is required for investigation three week advance notice is given, providing him time to come to India. The petitioner also undertakes to pay a sum of ₹1,80,000/- per month for the complainant's and the child's maintenance subject to further orders by the Family Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 15, 2016

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