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

+ **BAIL APPLN. 2113/2015**

DEEPAK SHARMA

..... Petitioner

Through: **Mr. Sameer Dewan, Advocate**

versus

THE STATE (DELHI ADMN.)

..... Respondent

Through: **Mr. M.P. Singh, APP with WSI:Usha
Sharma, PS: Hari Nagar, Delhi
Mr. A.C. David, Advocate for the
complainant**

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.10.2016

Learned counsel for the petitioner states that the complainant has filed the present FIR after ten years of marriage. The complainant was not able to adjust in the family. Earlier, the complainant had filed a complaint. The petitioner and the complainant started living separately in a rented accommodation w.e.f. 14th October, 2013. Even thereafter, the complainant remained dissatisfied and filed a complaint in the month of November, 2013, wherein a settlement was arrived at. The complainant left the company of the petitioner on her own. A child was born from the wedlock and is in the custody of the petitioner. The complainant has already filed a petition before

the Family Court under the Guardian and Wards Act, 1890 and the same is pending. The complainant has also filed a petition under the Protection of Women from Domestic Violence Act, 2005, which is also pending. The complainant has also initiated proceedings under Section 125 of Cr. P.C.; wherein interim maintenance of Rs.3,000/- has been awarded and paid by the petitioner to the complainant. The petitioner has returned all the articles of the complainant, which were lying with him. He has cooperated in the investigation. Accordingly, the petitioner may be granted anticipatory bail.

Learned APP who is assisted by the learned counsel for complainant has opposed the grant of anticipatory bail to petitioner. It is contended that the marriage was solemnized on 13th April, 2016. For about a year, the complainant was treated nicely. However, thereafter, she was harassed on the point of dowry. ₹10,00,000/- was demanded. The complainant has also levelled allegations of unnatural sex. The dowry articles have yet not been returned. It is submitted that, out of the admitted list, watch, gold chain and four gold rings have not been returned. It is submitted that apart from this, the other gold jewellery has also not been returned.

Learned counsel for the petitioner submits that the gold chain has been returned. The watch was tendered but has not been accepted by the

complainant. The gold rings are not with the petitioner. The petitioner has cooperated in investigation. No other articles of complainant are with the petitioner. No custodial interrogation of petitioner is required.

Keeping in mind the above facts and circumstances, it is ordered that in case of arrest, the petitioner be released on anticipatory bail, subject to his furnishing a personal bond in the sum of ₹50,000/-(Rupees Fifty Thousand Only), with one surety of the like amount to the satisfaction of the Investigation Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J

OCTOBER 24, 2016
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