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

+ **BAIL APPLN. 609/2017**

UDAY PRAKASH

..... Petitioner

Through

Ms. Divya Malhotra, Adv

versus

STATE OF DELHI

..... Respondent

Through

Mr. AMit Gupta, APP for State

SI Abhijeet Singh PS Krishna Nagar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.11.2017

By this application under Section 438 Cr.P.C, petitioner has prayed for grant of anticipatory bail.

Since the FIR is outcome of a complaint filed by complainant (wife) against the petitioner (husband), the matter was referred to the Mediation Centre for making effort for resolution of disputes. It is reported that mediation has failed.

Learned counsel for petitioner submits that marriage between petitioner and complainant was solemnized on 24th February, 2014. Complainant left the matrimonial home, on her own, on 13th July, 2014. Petitioner filed a petition under section 13(1)(i-a) & (i-b) of Hindu Marriage Act before the Family Courts, Tis Hazari Courts, Delhi in the month of September, 2015. Only thereafter, as a counter blast complainant has lodged the present FIR in the month of December, 2015 levelling false allegations of demands of dowry and harassment against the petitioner and his family members. The allegations are general in nature. The entire family has been

roped in.

Learned APP, who is assisted by learned counsel for the complainant has opposed grant of anticipatory bail to the petitioner. It is contended that specific allegations have been levelled in the FIR about dowry demands. It has been specifically alleged in the FIR that all the belongings of the complainant, including jewellery, have been illegally retained by her in-laws, that is, the petitioner and his family members. It is submitted that petitioner has filed the divorce case on the false allegations. Complainant had not left the company of petitioner in the month of July, 2014, as alleged. She lived with the petitioner till end of September, 2014. While complainant was living with the petitioner, the divorce petition was filed by him clandestinely.

Learned counsel for the petitioner submits that veracity of the allegations and counter allegations would be tested during the trial.

Keeping in mind the totality of facts and circumstances, it is ordered that in case of arrest, petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

NOVEMBER 02, 2017

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