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

+ BAIL APPLN. 911/2017

MOHD SADQEEN

..... Petitioner

Through Ms.Fizani Husain, Adv.

versus

STATE & ORS

..... Respondent

Through Mr.Panna Lal Sharma, APP with SI
Pushpa, PS Hauz Qazi.
Mr.Javed Khan, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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17.05.2017

Crl.M.A. 8178/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 911/2017

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.322/2015, registered on 19.11.2015, under Sections 498A/406/34 IPC, Police Station Hauz Qazi.

It has been submitted by the counsel for the petitioner that after the registration of the FIR, vide order dated 05.05.2015, anticipatory bail application of the petitioner was dismissed by the Court of Session and then the application for the grant of anticipatory bail was moved before this Court which was dismissed vide order dated

28.07.2016. Again, another application was moved in January, 2017 for the grant of anticipatory bail which was dismissed as withdrawn. Thereafter on 17.03.2017, the petitioner was declared as Proclaimed Offender.

Submissions made by the learned APP for the State have been heard.

The factual position is that the Court of Sessions dismissed the anticipatory bail application of the petitioner vide order dated 05.05.2015.

Thereafter, the petitioner/accused had moved an anticipatory bail application before this Court bearing Bail Appln. No.983/2016. This Court while passing a detailed order dated 28.07.2016, dismissed the anticipatory bail application of the petitioner by making certain observations which read as under :

“In these circumstances, it appears to me that the applicant is not coming out with the truth and is not cooperating in the matter of return of the dowry articles of the complainant. His custodial interrogation is necessary to unearth the facts.”

Despite the directions of this Court, the petitioner/accused was not available to the police for custodial interrogation and remained absconding and thereafter another application was moved in January 2017 for the grant of anticipatory bail which was dismissed as withdrawal.

Admittedly, the petitioner/accused was declared Proclaimed Offender vide order dated 17.03.2017.

Apart from the present matter, it has been further mentioned by the counsel for the petitioner that a petition for setting aside the Proclaimed Offender order was moved before this Court vide CrI.M.C. No.1984/2017 and the same has been dismissed today itself.

The fact remains that there are observations of this Court and the petitioner/accused is not available, rather absconding from the legal system for a period of more than 1½ years.

The submission made by the counsel for the petitioner that the petitioner is ready and willing to return the dowry articles is not acceptable in view of above mentioned facts and circumstances.

In the circumstances mentioned above, the petitioner/accused does not deserve to have the concession of anticipatory bail.

In view of the above mentioned facts and circumstances, the present bail application is dismissed.

P.S.TEJI, J

MAY 17, 2017
dd