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

+ **BAIL APPLN. 2022/2016**

**KUNAL KAD**

..... Petitioner

Through: Mr. Girish Kumar & Mr. Neeraj  
Dahiya, Advocates.

versus

**THE STATE (NCT OF DELHI)**

..... Respondent

Through: Mr. Mukesh Kumar, APP along with  
W/SI Vandana, PS-Kirti Nagar, for  
the State.  
Mr. Sachin Mishra & Mr. Ayush Dua,  
Advocates for the complainant.

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

**ORDER**  
**24.01.2017**

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The petitioner has preferred this petition to seek anticipatory bail under Section 438 Cr.P.C. apprehending arrest in case FIR No.95/2016 registered under Section 498A/ 406/ 313/ 34 IPC at PS – Kirti Nagar, Delhi. The petitioner is the husband of the complainant.

On 30.09.2016, the petitioner had stated that he is ready & willing to return all the dowry articles of the complainant, including the jewellery of the complainant and whatever is in his possession and in the possession of

his mother. He also undertook to join the investigation. Moreover, he also stated that he is making payment of the interim maintenance in terms of the orders passed in divorce proceedings. He was directed to make payment of the amount fixed in the proceedings under the Protection of Women from Domestic Violence Act. Consequently, the petitioner was granted interim protection by this Court.

In terms of the said order, some of the jewellery articles have been returned to the complainant. According to the petitioner, there are no other articles of jewellery either in his possession or in the possession of his mother. This is disputed by the complainant.

Keeping in view the circumstances, learned counsel for the petitioner, on instructions, states that to show his bona fide, the petitioner shall pay an amount of Rs.2 Lakhs to secure the interest of the complainant in relation to the other articles.

Since the petitioner has joined the investigation and some of the dowry articles have been returned and the petitioner is also willing to give the security, as aforesaid, subject to the petitioner paying an amount of Rs.2 Lakhs to the complainant within four weeks, without prejudice to the rights & contentions of the parties and without it constituting an admission on the part of the petitioner or the complainant, it is directed that in case of his arrest, the petitioner shall be entitled to be released on bail subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the arresting officer/ IO;
- ii) he shall join the investigation as and when called for;
- iii) he shall provide his mobile phone number to the IO, which shall be kept in working condition at all times. The same shall not be changed

without prior intimation to the IO;

- iv) He shall not contact the complainant or any other witness in the case and shall not try to influence any witness or tamper with evidence.

It is made clear that the accounting and adjustment of the aforesaid amount of Rs.2 Lakhs shall abide by the final decision/ settlement, if any, that the parties may arrive at in future.

The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**JANUARY 24, 2017**

*B.S. Rohella*