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

+ **BAIL APPLN. 1123/2017**

ABHINAV KUMAR

..... Petitioner

Through Dr.L.S. Chaudhary, Adv. with
Mr.Ajay Chaudhary, Ms.Rakhi
Tomar, Ms.Sonika Rathore,
Mr.Anurag Tomar, Mr.Parambir
Singh & Mr.Viresh Chaudhary, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through Ms.Neelam Sharma, APP.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **06.09.2017**

The petitioner seeks bail in anticipation of his arrest in connection with FIR No. 53/2016 dated 25.01.2016 (PS Dwarka South) instituted for the offences under sections 498-A/304B/34 of the IPC.

On 03.07.2017 when the matter was heard for the first time before this Court, it was recorded that a dead body of the female was found on the railway tracks at Sarai Rohilla police station. Later, a missing report about the deceased was lodged by the mother-in-law of the deceased. The aforesaid two reports were linked together and the identity of the deceased was established later. After about 11 days of the identification of the dead body to be that of the deceased, the father of the deceased lodged the FIR against the petitioner and others under sections 498A/304/34 of the IPC.

It was alleged in the aforesaid FIR that the deceased was married to the petitioner in the year 2015 and ever since the marriage, she was being pressurized for additional dowry and was also harassed and tortured on that account.

It was submitted on behalf of the petitioner that on 27.11.2015, the relevant date, the petitioner was not in Delhi but had left for UK for pursuing his MBA course. The deceased died about two months later. For the allegation regarding the deceased being pressurized for bringing additional dowry, the material that was pitched against the petitioner was that prior to her death, the deceased had withdrawn Rs.2 lakhs from her account. This Court, on that occasion, was of the view that this money could have been withdrawn voluntarily and it was not to be necessarily inferred that such withdrawal was only for the purposes of providing the petitioner or other family members with additional dowry. There was no material which could be shown by the investigating agency regarding definite link of the aforesaid withdrawal of money with the demand of dowry and consequent torture and death of the deceased.

The petitioner was, therefore, granted interim protection with a direction to him to join the investigation.

Ms.Neelam Sharma, APP, though opposes the confirmation of the provisional anticipatory bail of the petitioner, has submitted that the petitioner has been participating in the investigation.

Taking the aforesaid facts into account, this Court is inclined to confirm the interim protection granted to the petitioner.

In the event of arrest or surrender, the petitioner shall be released on bail on his furnishing a bond in the sum of Rs.10,000/- with one surety of

the like amount to the satisfaction of the arresting officer/Court.

Needless to state that the petitioner shall continue to participate in the investigation.

Any attempt of the petitioner to either evade the investigation or to tamper with the evidence in any manner whatsoever, would entitle the state to approach this Court for cancellation of the anticipatory bail.

The application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 06, 2017

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