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

+ BAIL APPLN. 180/2017

MUBASSIR HUSSAIN Petitioner

Through: Mr. Aman Usman, Adv.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Ashish Dutta, APP for the State
with SI Satish, PS Ambedkar Nagar.
Mr. Farooqi Alam, Adv. for
complainant along with complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **06.08.2018**

Apprehending arrest in case FIR No.1129/2015, under Sections 406/498-A IPC of Police Station Ambedkar Nagar, the petitioner has approached this court praying for anticipatory bail. By order dated 30.01.2017 he was directed to join the investigation and subject to compliance he was granted protection against arrest till next date, i.e. 02.05.2017. Protection has continued to operate upon it being extended from time to time till date.

On 02.05.2017, it was, inter alia, submitted that certain serious allegations were not being properly probed and that the investigating officer had made no efforts to recover *stridhan*/dowry articles, the petitioner also failing to appear in the proceedings in the matter relating to the maintenance before the family court. On the request of the parties, they were referred to mediation centre to explore the possibility of amicable resolution. The said effort, however, did not bear fruit.

On 31.07.2017, the complainant's counsel confirmed that most of the dowry articles had been returned and only a few jewellery articles were still with the accused persons. The investigating officer confirms that the petitioner has been joining investigation as and when called upon to do so.

In the facts and circumstances, the petition is allowed. It is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.10,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (v). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti.

AUGUST 06, 2018

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R.K.GAUBA, J.

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