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

\+ BAIL APPLN. 1654/2017 and Crl.M.A.18817/2017

VINAY RAMACHANDRAN IYER ..... Petitioner
Through: Mr. Pankaj Kumar, Advocate with Mr. Shashank S. Jha, Adv.

versus

STATE ..... Respondent
Through: Mr. Ashish Dutta, APP for the State

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

<u>O R D E R</u>
% 03.07.2018

The petitioner prays for anticipatory bail in the context of criminal case arising out of FIR No.221/2013, registered in Police Station Saket for investigation into the offences punishable under Sections 498-A/468/471 Indian Penal Code, 1860 (IPC), the FIR having been lodged by his wife Anuradha V. Iyer, who is also present in person in opposition.

By interim orders passed earlier on the previous dates interim protection was granted to the petitioner. Both sides have been heard at length and the record has been perused.

The first informant and the petitioner were married to each other on 14.12.1998. They appear to have lived together in the matrimonial home in Saket, New Delhi and out of their cohabitation two children – twins – a boy and a girl were born on 19.03.2015. It is undisputed case of the first informant that she had left the matrimonial home in June, 2011. The first informant had also filed a case for divorce on identical grounds as alleged in the FIR, her petition – HMA No.379/2014 – having been decided by the family court for South-District by judgment dated 09.05.2018. A copy of the said judgment has been placed before this court for perusal. It is noted that the family court has disbelieved the first informant on all counts including not only the allegations of she having been subjected to cruelty by the petitioner-husband but also he having been indulged in certain forgery of documents to lay a false claim for insurance against policy taken out statedly in Canada.

The family court, pertinent to add, has accepted the case of the petitioner, *inter alia,* based on document purportedly dated 10.03.2013, it being a letter statedly addressed by the first informant to the petitioner informing him of she having fallen in love with an Italian national, who she had met in Milan and she being desirous of moving on and expecting a "generous settlement" from the petitioner, it being a pre-condition for her willingness to forego her demand for the custody of the children who undisputedly have been in the care and control of the petitioner throughout. The allegations constituting various offences which are subject-matter of the FIR relate to the period prior to June, 2011. The FIR was lodged on 28.05.2013.

From the status report and the submissions made on behalf of the State it is clear that investigation, *inter alia,* with the help of authorities in Canada, vis-a-vis the allegations of forgery would take quite some time to conclude. In this fact-situation and, in the above noted facts and circumstances where the divorce petition has ended in adverse findings against the case made out by the first informant – though she statedly being in the process of preparing an appeal to be preferred – it will be unfair and unjust to deny the relief of due protection to the petitioner.

For the foregoing reasons, the petition is allowed.

It is directed that in the event of he (the petitioner) being arrested in case FIR No.221/2013 under Sections 498-A/468/471 of IPC of Police Station Saket, he shall be released on bail by the arresting officer on he furnishing a personal bond in the sum of Rs.1,00,000/- 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) The petitioner (statedly working in Shanghai) will present himself before the investigating officer as and when required to do so for which purposes he shall keep available with the investigating officer his current contact address, e-mail id, and telephone numbers;

(iv) In the event of a charge sheet being presented for prosecution of the petitioner on completion of investigation into the aforementioned FIR and cognizance being taken thereupon resulting in issuance of summons by the court of Magistrate, the petitioner will be entitled to protection under this order against immediate arrest but this order will enure to his benefit for a period of one month only from the date of first appearance in the said court.

For clarity, it is added that the anticipatory bail order shall stand exhausted after the aforesaid period of one month and the court of cognizance or the trial court will consider, upon such application being moved, the release of the petitioner on regular bail on the basis of evidence presented at that stage.

This also disposes of the pending application.

Dasti.

R.K.GAUBA, J.

JULY 03, 2018
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