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

+ **BAIL APPLN. 2046/2017**

SURINDER KUMAR @ SURINDER TAKIYAR Petitioner

Through: Ms. Rosy Sharma, Adv.

versus

THE STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with SI Ved Prakash, PS – Shahbad
Dairy
Mr. Raiv Kapoor, Mr. Srikant
Sharma, Advs. for complainant – Ms.
Rupali Takiyar with complainant in
person

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

04.10.2018

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1. The petitioner has approached this Court by the present application seeking grant of anticipatory bail in case FIR No. 477/2017, PS – Shahbad Dairy involving the offences punishable under Sections 498A/ 406/ 34 of the Indian Penal Code, 1860 (IPC).
2. The complainant – Kajal @ Rupali Takiyar, wife of the applicant has also been participating in these proceedings from day one. By order dated 13.10.2017, the parties were referred to Delhi High Court Mediation and Conciliation Centre with an interim protection granted that no coercive steps will be taken during the interregnum.

The said interim order has continued till date. The process of mediation did not bear fruit.

3. Having regard to the allegations in the FIR and the status of investigation as indicated in the reports submitted by the investigating agency from time to time, it is clear that the parties were married to each other on 30.04.2004. Their marriage entered a rough phase leading to the FIR being lodged on 17.08.2017. There are two children born out of the wedlock. The allegations against the applicant and the members of the family are that they had physically and mentally harassed the complainant, the husband being most of the time under the influence of liquor.
4. On previous dates, the question of failure on the part of the applicant to restore the *streedhan* articles arose, it being submitted through counsel that he has been ready to handover first such *streedhan* articles as were in his possession and control. The status report submitted in the Court indicates that three articles were handed over by the applicant on 08.09.2018 to the complainant through the investigating officer. The grouse of the complainant is that almost all the articles in the list given by her have not been accounted for. It is submitted by the applicant through counsel that the marriage was 13 years old and the complainant had taken away all her *streedhan* at the time of leaving the company of the applicant.

5. Questions of fact arising from the above, will have to be determined on the basis of evidence as is gathered during the investigation.
6. Having regard to the facts and circumstances a case for release of the applicant on anticipatory bail is made out.
7. Thus, 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 bond in the sum of Rs.20,000/- 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.
8. 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.

9. The petition stands disposed of in above terms.

Dasti.

R.K.GAUBA, J

OCTOBER 04, 2018

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