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

+ **BAIL APPLN. 3103/2019**

DAYA RANI

..... Petitioner

Through **Mr.Manjit Singh Ahluwalia, Adv.**

versus

STATE & ANR

..... Respondents

Through **Mr. K.K. Ghei, APP for State.
SI Manoj Chahar PS Paschim Vihar.
Mr.Jitendra Kumar with Mr.Aparbal
Singh, Advs. for complainant.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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19.12.2019

Vide the present petition, the petitioner seeks anticipatory bail in the event of her arrest in pursuance to FIR No.407/2019 registered at Police Station – Paschim Vihar (East) for the offences punishable under Sections 498A/406/34 IPC.

The brief facts of the case are that the complainant got married to the son of the petitioner, accused Ashish, on 12.12.2018. As per the allegations in the complaint, her parents had spent ₹60 lakhs on her marriage. Few days after getting married, the jewellery of the complainant was taken by her husband and her in-laws i.e. the petitioner and her husband. They further tortured the complainant mentally and physically and started demanding more dowry including gold chain, diamond jewellery, luxury gifts and costly saris. In this regard, she lodged a number of complaints in Police Station

Budh Vihar, Delhi. She repeatedly requested the petitioner to return her jewellery articles, however, she did not. On 25.03.2019, the accused, Ashish, created nuisance in the parental house of the complainant. On the complaint of Smt. Saroj Devi, mother of the complainant, preventive action under section 107/151 Cr.P.C. was taken against above named accused. On 13.04.2019, the accused again visited parental house of the complainant and created nuisance, beat and threatened mother of the complainant. In this regard, an FIR No. 185/2019 was registered at Police Station Paschim Vihar for the offences punishable under sections 323/341/506 IPC. After completion of the investigation, the charge-sheet against accused was filed in the concerned Court. However, anticipatory bail of accused was dismissed by learned Additional Sessions Judge, Tis Hazari Court on 25.09.2019. Consequently, he surrendered before the learned MM, Tis Hazari Courts on 14.10.2019 and was arrested. On 15.10.2019, one day P/C Remand of accused was obtained from learned MM for recovery of stridhan of the complainant. Accordingly, raid was conducted at the house of the accused persons but house was found locked and the petitioner and her husband had fled. The accused was granted bail by learned MM, Tis Hazari Courts, Delhi on 18.10.2019 and vide order dated 26.11.2019 but, learned ASJ passed an order that if the accused Ratan Lal (father-in-law) is to be arrested, seven days prior notice is to be given to him.

Learned counsel appearing on behalf of the petitioner submits that petitioner has been interrogated in this case and during interrogation, she stated that she did not take any jewellery articles of her daughter-in-law/ complainant.

It is pertinent to mention here that present matter came up for hearing

on 16.12.2019 and this Court directed the IO of the case who was present in person, to visit the house of the petitioner, unlock it and search almirahs of the petitioner as well as the complainant and if any articles are found there, he shall take photographs of the same, make inventory thereof and thereafter, handover the same to the petitioner and complainant on superdari.

In compliance of the aforementioned order dated 16.12.2019, search at the house of the accused persons was carried out in the presence of the complainant and her mother Saroj Devi. Three saris, one Silver khand Katora, ten silver coins and one silver small god idol were identified by the complainant as her stridhan and the same have been seized. The accused persons have a four storey building at H. No. A-3/15, Sector-5, Rohini, New Delhi and out of four floors, the second floor is in possession of the complainant. Most of the dowry articles i.e. T.V, double bed, sofa set, washing machine, almirah, refrigerator, LCD Tray, A.C., the kitchen articles and clothes except jewellery articles are lying on the second floor.

The main dispute is regarding jewellery articles. As per accused persons, jewellery articles were deposited by the complainant in her locker on 17.12.2018, whereas the complainant has denied the same. The joint locker of the complainant and her mother in Bank of Baroda, Punjabi Bagh was also checked on 05.12.2019, but no article was found.

As stated in the status report filed by the police, present case is pending investigation and the stridhan of the complainant especially her jewellery articles are yet to be recovered for which custodial interrogation of the petitioner is required.

The fact remains that the search of the house of accused persons has already been carried out. As per the allegation of the complainant, the

jewellery articles are still with the petitioner, if that is the case, the petitioner shall face the trial under section 406 IPC. But in my considered view, custodial interrogation of the petitioner is not required.

Accordingly, keeping in view the facts and circumstances of the case, this Court is of the considered view that the present case is fit for anticipatory bail. The SHO/ IO concerned, is hereby directed that in the event of arrest, the petitioner shall be released on bail on the following terms and conditions:-

- (i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of SHO/IO concerned;
- (ii) That the petitioner shall cooperate with the investigation and make herself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

I hereby make it clear that the observations made in the present case are just to dispose of the present petition, however, the Trial Court shall not get influenced by the order passed by this Court.

The application is, accordingly, allowed and disposed of.

SURESH KUMAR KAIT, J

DECEMBER 19, 2019/ab