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

+ **BAIL APPLN. 3212/2019**

DEEPAK KUMAR

..... Petitioner

Through: Mr. R. D. Singh with Ms. Yashvi
Singh and Mr. Vikal Choubey, Advs.

versus

STATE

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State.
Adv. (appearance not given) for R-2
ASI Kunji Lal, PS H.N. Din.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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24.12.2019

CRL.M.A. 43607/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

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3. Vide the present petition, the petitioner seeks anticipatory bail in the event of his arrest in FIR No. 246/2019 registered at Police Station – Hazrat Nizamuddin for the offences punishable under Sections 498A/406/377/34 IPC.

4. As per the petition, marriage between the petitioner and the complainant was solemnized on 07/02/2016 according to Hindu Rites and ceremonies at Delhi. After marriage, certain disputes arose between the

parties. The complainant levelled various allegations against petitioner and his family members regarding torture and stated very categorically that she was subjected to cruelty due to non-fulfillment of the dowry demands.

5. The complainant also levelled various general allegations against the petitioner and his family and finally in December, 2017 she returned from USA and started living with her parents. The complainant lodged complaint with the police authority, after a period of about 16 months from the date of her return from USA. After receiving the notice, the petitioner's family members attended the hearing and proceeding before the CAW Cell and tried to resolve the dispute but nothing could be materialized, hence, the said complaint was converted into the FIR.

6. Learned counsel for the petitioner submits that the petitioner informed the IO that due to his employment, he would be able to join investigation at India in the month of December, 2019 as he would not be getting any leave from the employer, which was considered by the IO and the petitioner was asked to join the investigation in December, 2019. Later on the IO got Look Out Corner notice issued against the petitioner despite information from the petitioner that he would be joining investigation in the month of December, 2019. Immediately after knowing about the issuance of LOC, the petitioner came to India and informed the IO about his return back to India.

7. Accordingly, notice U/s 41A Cr.P.C. was issued to the petitioner and petitioner joined investigation with the IO for continuous one hour on 17/12/2019 and again for five hours on 18/12/2019.

8. Learned counsel further submits that the present case is based on wrong and false averments made by the prosecutrix with the sole motive to

create pressure and extort as much money she could from the petitioner, hence, the complainant has got the present FIR lodged.

9. On the other hand, learned counsel appearing on behalf of the complainant submits that the petitioner's family, from the very beginning even before marriage, pressurized the family of the complainant to give more and more dowry and the complainant focussed on the petitioner because he was behaving very diligently, therefore, she wanted to settle her matrimonial life with the petitioner. Due to that, family of the complainant fulfilled the demand of dowry made by petitioner's family. However, after marriage, petitioner showed his real colours and started committing atrocities on the complainant including demand of dowry. She tried herself to be compatible with the petitioner, however, he never gave heed to their matrimonial relations and even thereafter she tried to settle the matter but the petitioner and his family never wanted that, therefore, the present case has been registered.

10. Learned counsel submits that the dowry articles are with the petitioner and have not been returned despite the list of dowry articles submitted to the IO of the case.

11. Counsel appearing on behalf of petitioner submits that the petitioner had submitted the admitted dowry articles to the IO one day, however, IO refused to accept the same stating that the complainant is not there and that the articles be given to the complainant on 20.12.2019 i.e. the date fixed before the Trial Court. Due to that, dowry articles could not be returned. Counsel of the petitioner, on instructions, has undertaken to return the dowry articles.

12. Accordingly, the petitioner is directed to return the dowry articles on

25.12.2019 at 05:00 pm to the IO, PS Hazrat Nizamuddin who shall hand over the same to the complainant.

13. 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. Accordingly, the SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner 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 two sureties in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

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

15. Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

16. The Trial Court shall not get influenced by any averments made by this Court while passing this order.

17. Application stands allowed and disposed of.

18. Order *dasti* under signatures of the Court Master to learned counsel for both the parties.

SURESH KUMAR KAIT, J

DECEMBER 24, 2019

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