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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 109/2019
RAJENDRA PRASAD GUPTA Petitioner

Versus

STATE Respondent

+ BAIL APPLN. 110/2019
MANJU GUPTA Petitioner

Versus

STATE Respondent

Through: Mr. Arvind Dhingra, Advocate for
petitioners.
Mr. G.M. Farooqui, APP for State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **18.01.2019**

CRL.M.A. 936/2019(Exemption) in BAIL APPLN. 110/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed-off.

BAIL APPLN. 109/2019 & BAIL APPLN. 110/2019

The petitioners seek anticipatory bail. They are accused of the cruelties meted out to the complainants i.e. wife and daughter-in-law of the petitioners respectively. The latter alleged that approximately Rs. 40 lacs have been spent on the marriage and many other articles were also gifted to the petitioners. The petitioner-husband Rajendra Prasad Gupta has since been absconding. However, the learned counsel for the petitioners submits that the husband is not absconding. His anticipatory bail application is

pending adjudication in the Saket Courts. The learned counsel for the petitioners submits that the innocent in-laws do not live with the young married couple and charges against them are false and concocted. Nevertheless, the petitioner/mother-in-law is ready and willing to offer an amount of Rs. 5 lacs to prove her bona fides.

Mr.G.M. Farooqui, the learned Additional Public Prosecutor strongly opposes the bail on the ground that the said amount being offered is dishonest because what has been transferred by the complainant/daughter-in-law is about Rs. 11 lacs, by way of banking transactions. He submits that there were demands of many items, including, a Honda City car. The said vehicle has been bought from the monies paid by the complainant and even now it is in the custody of the husband and otherwise being used for the benefit of the in-laws. Furthermore, the complainant has been paying Rs. 24,500/- per month for a rented accommodation since November, 2017. Her personal belongings valued at Rs. 16,55,000/- are still in the custody of the petitioners, however, the same have been denied by them except to the value of Rs. 50,000/-. He further submits that complicity of the petitioners is writ large and custodial interrogation of the petitioner/mother-in-law is necessary to know the whereabouts of her son/husband of the complainant.

The learned counsel for the petitioners submits that these allegations are nothing but in retaliation to the petition filed by her son against the complainant. He also relies upon the judgment of this Court in ***Chetan Kapoor @ Vikas vs. State*** in Bail APPLN. 501/2015 decided on 11.09.2015, to the effect that these proceedings under section 438 Cr.PC. are not in the nature of recovery proceedings.

The Court is of the view that these proceedings can hardly be considered as recovery proceedings. The charges against the petitioners are serious in nature.

In view of the above, no case is made out for grant of anticipatory bail. Accordingly, the petitions are dismissed.

NAJMI WAZIRI, J.

JANUARY 18, 2019

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