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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2141/2019 & CRL.M.A. 34398/2019**
ABHISHEK KHERA Petitioner

Through: Mr Vineet Mehta, Advocate.

versus

STATE Respondent

Through: Ms Kusum Dhalla, APP for State.
SI Narender Pal Singh, PS Krishana
Nagar, Delhi.
Mr Devansh Agarwal, Mr Himanshu
Yadav and Mr Ankit, Advocates for
complainant alongwith complainant
in person.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **25.09.2019**

1. The petitioner has filed the present petition, *inter alia*, seeking anticipatory bail in connection with FIR No.0300/2018 under Sections 498A/406/34 of the IPC registered with P.S. Krishna Nagar.
2. The said FIR was registered at the instance of the petitioner's wife. The status report has been filed. The same indicates that she has alleged that an aggregate sum of ₹13,23,500/- was taken in cash by the petitioner's family as dowry. The details of the said amounts, withdrawn from the bank account of her family members, have also been furnished. *Prima facie*, a plain perusal of the said withdrawal details does not indicate that the same were for the payment of any dowry. This is so, because the withdrawals are on various dates spaced over a considerable period of time and are of

relatively small amounts. There are two large withdrawals: a sum of ₹5 lakhs is stated to have been withdrawn on 26.09.2017 and another amount of ₹5 lakhs was withdrawn on 24.10.2017. The first instalment was withdrawn prior to the marriage ceremony and the second instalment has been made post the marriage ceremony.

3. *Prima facie*, it does not appear that these withdrawals were for payment of dowry, as the same would not have been made in two tranches, which are approximately one month apart.

4. Clearly, the investigating agencies would have to examine the further details of the marriage expenses and also ascertain as to how the marriage expenses had been paid and whether the said withdrawals were in addition to the normal wedding expenses.

5. The petitioner and the complainant were married on 05.06.2017 by a registered marriage. The petitioner states that this was only done to secure a visa to visit Australia as the petitioner was a resident of Australia. The marriage ceremony, as per Hindu rites, was performed on 05.10.2017, which was after the complainant had obtained the visa to visit Australia.

6. The complainant had proceeded to join the petitioner on 19.10.2017. It does appear that certain matrimonial disputes have arisen between the said parties. The present FIR has been filed, thereafter.

7. The petitioner has since joined the investigation and reported to the Investigating Officer (IO). He has denied that any of the items, the list of which is provided by the complainant, are in his possession. Although the complainant states that the petitioner is in possession of various jewellery items, there does not appear to be any material to establish that the jewellery items have been exported out of the country. Clearly, the investigating

authorities would have to examine the same.

8. Considering the circumstances of this case, this Court considers it apposite to allow the present application and to grant anticipatory bail to the petitioner, subject to him furnishing a Personal Bond in the sum of ₹10,000/- and a surety of the like amount to the satisfaction of the IO.

9. It is stated that since the petitioner is employed in Australia and he has to travel back to that country, the investigating agencies are required to complete their investigations, as far as the petitioner is concerned within a period of three days from today. The petitioner shall revisit India in the month of December, 2019 for a period of at least a fortnight and inform the details of his visit to the IO. The investigating officer shall complete the remaining investigation involving the petitioner on his visit to India in the month of December, 2019.

10. The petitioner and complainant, who are present in the Court today, state that they would also like to make efforts to resolve their disputes amicably. At their request, the parties are directed to appear before the Delhi High Court Mediation and Conciliation Centre (DHCMCC) on 26.09.2019 at 10:30 AM. DHCMCC is requested to appoint a senior mediator immediately so that at least two sessions are conducted before the petitioner leaves India to join his employment in Australia.

11. The pending application is disposed of.

12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019/MK