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

+ **BAIL APPLN. 1929/2018 & CrI.M.A. 30192/2018**

SH. SUMIT KANDHARI Petitioner
Through: Mr. R.D. Singh, Advocate

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. K.S. Ahuja, APP for the State
with W/ASI Veena, PS Paschim
Vihar.
Mr. Rohit Goel & Mr. Mithlesh Jha,
Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **13.02.2019**

Further status report filed. Both the petitioner and the first informant Ridhima Kochhar have been heard through their respective counsel, the response of the State through additional public prosecutor also having been taken into account. The prayer in the petition is under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail in the context of first information report no. 160/2018 of police station Paschim Vihar involving offences under Sections 498A/406/34 IPC, section 377 IPC having been later added. The petitioner is the husband of the first informant. The question as to return of *streedhan* articles had come up and was considered on 01.11.2018 and 14.01.2019, some directions having been given in that regard. It appears that substantial portion of the gifts given in the marriage

and connected ceremonies to the first informant have been returned through the investigating agency, grievance about some articles of jewellery given to close relatives besides the grievance about certain other gifts and claims of the first informant as to her rights still persisting. The petitioner has taken the position that one of the jewellery items (gold chain) statedly given to him is actually with the first informant. As regards the other three jewellery items, it is admitted case of both sides that they were not given to the petitioner but to his close relatives i.e. grand mother, grand father and brother-in-law (sister's husband).

Against the above backdrop, the counsel for the petitioner, having taken instructions, submitted that in order to show his *bonafide*, without prejudice to his contentions and defences, he is ready to deposit with the Metropolitan Magistrate, an amount of Rs. 2 lakhs in the form of fixed deposit receipts taken out from a nationalised bank, such deposit to be availed of for disbursal to the appropriate party in the light of report of investigation that is expected to be filed in due course, the request being that such deposit may be allowed in two equal instalments, first on or before 28.02.2019 and the second on or before 31.03.2019. The counsel for first informant submitted no objection. The additional public prosecutor submitted that he leaves the matter to the discretion of the court.

Against the above backdrop, the petition is allowed. 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 arresting officer shall accept the bail bonds initially upto 01.04.2019 to ensure due compliance with the undertaking vis-à-vis the deposit in two instalments and thereafter for the period till filing of the report under Section 173 Cr.P.C.
- (ii) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (iii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iv) 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;
- (v) 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;
- (vi) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.
- (vii) The fixed deposit receipts, upon being presented, shall be retained by the Metropolitan Magistrate for appropriate further directions at appropriate stage.

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.

The petition and the application filed therewith stand disposed of in above terms.

Dasti.

R.K.GAUBA, J.

FEBRUARY 13, 2019
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