

CRM-M-36611-2019
Decided on : 23.12.2021

..... Petitioners

..... Respondents

Learned State counsel assisted by counsel for the complainant does not dispute the factum of the petitioners having joined the investigation. He, on instructions from LSI Mukesh states that most of the dowry articles stand recovered, however, certain dowry articles, which find reflected in the list provided by the complainant to the investigating agency

have not yet been recovered.

Learned counsel for the petitioners has, however, strongly disputed being in possession of those articles.

Learned counsel for the complainant has submitted that petitioner No.1 is a man of criminal antecedents inasmuch as there is a FIR, which stands registered against him.

Learned counsel for the petitioner has yet again strongly controverted the submission made by counsel opposite. He submits that the complainant had been filing false complaints against petitioner No.1 subsequent to the grant of interim bail by this Court vide order dated 02.09.2019. He further submits that two complaints made by the complainant after being granted interim bail by this Court on 02.09.2019 were found to be without any substance and as a result thereof, the investigating agency had consigned them to the record room. He still further submits that even the third FIR, which has now been registered against petitioner No.1 reveals that the complainant has merely raised a suspicion that 'GPS' may have been installed in her car by the petitioner. He submits that other than this, no allegations have been levelled against petitioner No.1 in the said FIR. He submits that it was thus, but obvious the complainant with an oblique motive had been filing false complaints against petitioner No.1.

Learned State counsel on instructions has apprised the Court that investigation is still underway in the aforementioned FIR. He has conceded that no other allegations other than what has been stated by the learned counsel for the petitioner have been levelled in the said FIR.

Heard learned counsel for the parties and perused the material

available on record.

In the case in hand, no doubt allegations have been levelled against the petitioners of allegedly subjecting the complainant to mental and physical harassment with respect to demand of dowry etc., however, this Court would not be swayed merely by the non-recovery of a few dowry articles to deny the concession of anticipatory bail to the petitioner when admittedly the petitioner had joined investigation in compliance of order dated 02.09.2019 and also got most of the dowry articles recovered.

In view of the above, the petition is allowed and interim order dated 02.09.2019, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

23.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No