

CRM-M-13409-2023 (O&M)
Decided on : 17.03.2023

..... Petitioner

..... Respondents

Learned counsel for the petitioner submits that this Court erred in granting concession of anticipatory bail to respondent No.2 (husband of the petitioner) by not only ignoring that respondent No.2 had not paid Rs.1 lakh to the petitioner in compliance of order dated 03.12.2018 (Annexure P-3), passed by a Coordinate Bench of this Court but also that there were serious allegations levelled against respondent No.2 of subjecting the petitioner to cruelty for not getting adequate dowry and hence, the extraordinary concession of anticipatory bail be cancelled.

Heard learned counsel for the petitioner and perused the relevant material available on record.

The Courts should act with caution while cancelling bail except of course where some evidence or material has been brought forth that subsequent to the grant of bail to the accused, he has misused his liberty by interfering with the course of investigation and has violated the conditions imposed upon him when he was granted bail. The bail, which has been granted to the accused cannot certainly be cancelled simply because of non-payment of some amount or non-recovery of some dowry articles.

Adverting to the case in hand, it is apparent that it was on account of a marital discord between the parties, FIR in question came to be registered. It is also a matter of record that the parties were referred to Mediation and Conciliation Centre of this Court for exploring the possibilities of an amicable settlement, however, it proved to be futile.

Vide order dated 01.10.2018, the petitioner had been directed to join investigation, which as per instructions received and conveyed to this Court by the learned State counsel, he did, and also returned substantial amount of dowry to the petitioner.

No doubt, it was indeed submitted by the State counsel that a few dowry articles had not been returned, however, that by itself will not be a ground to cancel the bail in question. Learned counsel has also not brought to the notice of this Court any breach of the conditions which may have been committed by respondent No.2 subsequent to the grant of bail vide impugned order dated 31.01.2022.

As an upshot to the above, the present petition being devoid of any merit stands dismissed.

17.03.2023
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(MANJARI NEHRU KAUL)
JUDGE

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