



\$~37

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

+ **CRL.M.C. 5346/2023, CRL.M.A. 33231/2023**

XYZ

..... Petitioner

Through: Mr. Prateek Goswami, Mr. Shashank
Goswami, Advocates.

versus

STATE AND ANR

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State alongwith SI Dilsukh.
Mr. Arvind Kumar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.04.2024

%

1. By way of present petition filed under Section 439(2) read with Section 482 Cr.P.C, the petitioner seeks to assail the order dated 07.06.2023 passed by learned Special Judge (NDPS), Rohini Courts, Delhi vide which respondent no.2 was admitted to anticipatory bail.
2. The petitioner's grievance is that while passing the impugned order, the learned Sessions Court failed to appreciate that there are subsequent chats between the parties which show that respondent No.2 was in possession of the jewellery articles and further that the complaint is replete with the allegations of dowry demands on various occasions.
3. The petition is resisted by respondent no. 2 who states that in the impugned order, the Sessions court has taken note of the CD placed on record alongwith the bail application, which was not denied by the complainant wherein the complainant and her parents have admitted to receiving the entire jewellery articles.
4. At this stage, learned counsel for the petitioner submits that the



relevant WhatsApp chats are of a later point in time and that in the said CD, the complainant and her family members were made to admit the possession of the jewellery articles so that the complainant could reside in her matrimonial home.

5. I have heard learned counsel for the parties as well as gone through the impugned order and other material placed on record.

6. The subject FIR being FIR No. 198/2022 came to be registered under Sections 498A/406/377/34 of IPC at P.S. K.N. Katju Marg.

7. The impugned order records that insofar as allegations qua Section 377 IPC are concerned, the same pertained to a period prior to the marriage between the parties.

8. Both the parties have referred to different sets of audio recordings and have disputed the possession of the jewellery.

9. Even during the course of hearing of the present petition, there is no denial that the CD contains conversation in which the complainant and her family members have admitted to having received all the jewellery articles. However, the said position is challenged by way of subsequent chats between the parties.

10. Considering that the investigation is pending and that two different versions have appeared, the same would need to be tested during the course of the trial.

11. Accordingly, I find no merit in the petition. Hence, the same is dismissed along with pending application.

MANOJ KUMAR OHRI, J

APRIL 23, 2024/K