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

+ **BAIL APPLN. 4351/2023, CRL.M.A. 35647/2023**

VIKAS YADAV

.....Petitioner

Through: Mr.Rohit Yadav, Advocate.

versus

STATE

.....Respondent

Through: Ms. Meenakshi Dahiya, APP.

Mr. Ruchir Bisarih, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

18.10.2024

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1. An application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 391/2023, under Sections 498A/406/34 IPC, registered at PS: Prashant Vihar.
2. Learned counsel for petitioner submits that petitioner has already joined the investigation but the matter could not succeed in mediation. Reliance is further placed upon order dated 10.12.2021 passed by a co-ordinate Bench of this Court in BAIL APPLN. 2029/2018 titled as ***Pooran Singh vs. State of Delhi*** to contend that anticipatory bail cannot be denied merely on allegations of non-recovery of *Stridhan*.
3. On the other hand, application is opposed by the learned APP for State along with learned counsel for complainant and submit that jewellery items which is part of *Stridhan* is yet to be entirely recovered. Learned counsel for complainant further submits that various bills *qua* the purchase of jewellery by complainant have been verified by the Investigating Agency.



4. Admittedly, petitioner along with co-accused has joined the investigation. The dispute qua return / recovery of the jewellery items remains unresolved. This Court is of the considered opinion that petitioner should not be denied the benefit of anticipatory bail merely on account of dispute with respect to the recovery of some of the alleged jewellery items.

5. Considering the totality of facts and circumstances of the case, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of IO/SHO, PS concerned and subject to following conditions:

- (i) Petitioner shall join the investigation, as and when directed;
- (ii) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO, PS: concerned;
- (iii) Petitioner shall not leave India without the permission of learned Trial Court;
- (iv) Petitioner shall not threaten or influence the witnesses in any manner.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 18, 2024/VLD