

IN THE HIGH COURT OF DELHI AT NEW DELHI

26.07.2005

Present: Mr.Narender Hudda for the petitioner.

Mr.M.N.Dudeja for the State.

Bail Application No.1638/2005

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1. Ramnish Behl was married to Sarika on 26.6.2004. Withdrawing from her matrimonial house, Sarika lodged a complaint with the police pursuant where to FIR No.515/05 P.S. Lajpat Nagar under Sections 498A/406/34 IPC stands registered. Needless to state, as would be evident from the sections attracted, there are allegations of dowry harassment, physical and mental abuse.

2. On enquiry from the counsel for the State, whether there was any material to substantiate the allegations in the FIR, counsel for the State very fairly concedes that apart from the version of the complainant, no material was available to corroborate what the complainant had stated.

3. On an earlier occasion, I had opined that matrimonial offences being committed, if at all, within the walls of the matrimonial house, not much independent evidence would be forthcoming on record. I had opined that to decide on bail, probability of truth in the complaint would have to be gathered from the complaint itself.

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4. Truth has an uncanny habit of surfacing. Somewhere between the lines of a complaint, an oasis of truth can be found.

5. When I look to the complaint, I find that Sarika writes that her husband is a cunning and a cruel person. On the very first night, he gave her a beating. I find it a little odd. Man's desire for the opposite sex would overpower the brute in

him at least on the first wedding night. She then states that they went for honeymoon to Patni Top, a hill station. He gave her a beating. She proceeds further to state that her mother-in-law and father-in-law, who are Government employees, want

that her husband should beat her. They treat her like a servant. She states in the complaint that while sitting on the toilet seat, whenever in need of a cigarette and light, he calls her.

6. I find it a little odd that a person answering the call of nature while sitting on the toilet seat would not put the latch and would call his wife to hand him over a cigarette and lighter.

7. She states in the complaint that her husband is a very unhygienic person and does not even brush his teeth for as long as six months. She writes that her husband is a cheater, a jack of all and master of none. She states that her husband is

a fraud. He sees blue films. She further states that he had sex with one Manisha to whom Rs.150/-

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was given. In the language of the complainant, I reproduce what she writes :

Rs.150/- paid to Manisha who stays in Trilok Puri for sex.

8. She further states in the complaint that her husband told her that one Juli would come to his house. She would open her blouse where his name was written with blood.

9. I find the complaint to be highly imaginative. The nature of the complaint probabilises an exaggerated version.

10. There is no reference to the dowry articles in the complaint. No particulars of dowry

have been given. The complaint is full of character assassination of the husband and his family.

11. Petition is allowed. In the event of arrest, on petitioner furnishing a personal bond in the sum of Rs.5,000/- with one surety in the like amount to the satisfaction of the Arresting Officer, petitioner would be released on bail in FIR No.515/

2005 P.S. Lajpat Nagar.

12. It would be a condition of the present order that the petitioner would join the investigation as and when required.

13. Needless to state that the anticipatory bail granted would be co-terminus with the decision on the application for regular bail, if any,

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required to be filed by the petitioner, should a challan be presented against the petitioner.

14. Dasti.

July 26, 2005 PRADEEP NANDRAJOG, J.

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