

IN THE HIGH COURT OF DELHI AT NEW DELHI

27.07.2005

Present: Mr.Khalil Ur Rehman for the petitioner.

Mr.Pawan Sharma for the State.

Bail Application No.955/2004

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1. Petitioner No.1 Rajesh Kumar was married to Sandhya on 8.2.1998. Marriage was not successful. She left her matrimonial house and lodged a complaint pursuant whereto FIR No.229/2004 PS Rohini u/s 498A/406/34 IPC was registered.

2. Sandhya states in her complaint that after marriage she resided with her in-laws at B-95, Sarojini Nagar, New Delhi. Her husband's elder brother, Sushil Kumar was married and was residing in Uttar Pradesh but was a regular visitor to the matrimonial

house. She states that when she went to her matrimonial house, her gold ornaments and costly clothes were entrusted by her to her husband and her husband's brother i.e. Sushil Kumar and her father-in-law and mother-in-law. In spite of costly articles p

resented by her parents at the time of marriage, Sandhya claims that she was taunted, harassed and tortured for not bringing a refrigerator and a VCR. She states in her complaint that when she was living with her

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husband she received summons from a matrimonial court and learnt that her husband had obtained a decree for restitution of conjugal rights.

3. She states that at that stage she had to leave her matrimonial house.

4. During investigation, items which were admitted by the petitioner and his parents as being brought by Sandhya at the time of marriage were returned to her. Two gold items being two rings and one set ear ring are listed in the list of articles given t

o the police.

5. Learned counsel for the petitioner states that Sandhya took with her the jewellery items and none are with the family of the petitioner.

6. Complainant who is present in person alongwith her brother states that television, VCR and refrigerator have not been returned.

7. Confronted with the complaint of Sandhya that dowry harassment pertained to her not bringing a refrigerator and VCR and that in the list of dowry articles returned an AKAI T.V. is entered, how could complainant take a stand that refrigerator and VCR h

ave not been returned by the petitioner. She has no answer.

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8. Complainant admitted that T.V. was received back but had no explanation to reconcile her stand that refrigerator and VCR were yet to be returned vis-a-vis the stand in the complaint that because she did not bring a refrigerator and VCR as a part of th

e dowry, she was harassed.

9. In most of the orders which I am passing in matrimonial offences at the stage of bail, except for probablising the truthfulness of the two versions based on the respective stands, I am unable to do much more. Of course, in some cases where either pri

ma-facie proof is furnished by either party or investigation reveals further facts, I take into consideration the said additional material.

10. In the present case except for the version of the complainant, no independent corroborative evidence is forthcoming.

11. Jewellery apart, prima-facie, dowry articles have been returned. There is inconsistency qua the VCR and refrigerator as noted above.

12. These are not recovery proceedings. There are general allegations of taunt, abuse and beating. No particulars are states. No data is mentioned. Allegations in the FIR are general.

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13. Case is made out for granting anticipatory bail to the petitioners. Petition is allowed. In the event of arrest, on petitioners furnishing a personal bond in the sum of Rs.5,000/- with one surety in the like amount to the satisfaction of the A

rresting Officer, petitioners would be released on bail in FIR No.229/2004 PS Rohini.

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

15. Needless to state that the anticipatory bail granted would be co-terminus with the decision on the application for regular bail, if any, required to be filed by the petitioners, should a challan be presented against the petitioners.

Dasti.

July 27, 2005 PRADEEP NANDRAJOG, J.

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