

IN THE HIGH COURT OF DELHI AT NEW DELHI

26.07.2005

**Present: Mr.N.S. Dalal for the applicant.
Mr.Pawan Sharma for the State.
Mr.Pawan Bahl for the complainant.**

Bail Application No.1049/2004

1. Proceedings under Section 498-A/406/34 IPC are not recovery proceedings. Notwithstanding that, keeping in view the human problems, attempts are being made by courts in matrimonial cases to try and resolve the disputes. In the present case, attempts for amicable resolution have failed.

2. Petitioners, who are the father-in-law and mother-in-law of the complainant seek anticipatory bail. Complainant, Renu, was married to Praveen, son of the petitioners on 15.11.2002. The couple lived in the house of the petitioners. On 27.7.2003, Praveen Gautam was found missing. He continues to be untraced. His whereabouts are not known.

3. On 22.4.2004, Renu lodged a complaint pursuant whereto FIR No.369/2004 PS Rohini stands registered. She stated in her complaint that this was her second marriage. She stated that her parents spent lavishly on the wedding day. She stated about the dowry articles which were given by her parents. She alleged dowry harassment. Apart from implicating her husband, she implicated the petitioners and her
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sister-in-law. As per the complaint, her jewellery weighing about 38 gms. of gold and 800 gms. of silver was not returned. Her clothes and other household articles were retained in her matrimonial home by the petitioners.

4. Learned counsel for the petitioners states that whatever dowry articles were brought by the complainant were offered to be returned. Sh.Pawan Bahl, counsel for the complainant states that incomplete articles were offered. No jewellery was offered and accordingly no article of dowry was received by the complainant.

5. Learned counsel for the petitioners states that without prejudice to the stand taken by the petitioners and not being an admission of any fact, petitioners are ready and willing to deposit a sum of Rs.1,00,000/- in the trial court. Complainant would be entitled to receive the amount from the trial court after furnishing security for restitution if at the end of the trial it is found that nothing is payable to the complainant. As regards the acts attributed to the petitioners in the FIR, counsel states that due to matrimonial discord with the complainant, son of the petitioners appears to have either left the matrimonial house for good or perhaps his in-laws may be behind his disappearance.

6. Be that as it may, truth would be determined at the end of the trial
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in the FIR which has been registered pursuant to the complaint.

7.Taking note of the facts recorded hereinabove, petition stands disposed of with a direction that on petitioners depositing a sum of Rs.1,00,000/- in the trial court within four weeks from today, 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 Arresting Officer, petitioners would be released on bail in FIR

No.369/2004 P.S. Rohini.

8. It would be a condition of the present order that the petitioners would join the investigation as and when required. Complainant would be permitted to withdraw the sum of Rs.1,00,000/- on furnishing security to the satisfaction of the trial court.

9. 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 26, 2005 PRADEEP NANDRAJOG, J.

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