

IN THE HIGH COURT OF DELHI AT NEW DELHI

19.07.2005

**Present: Mr.R.S.Rana for petitioner.
Mr.N.M.Dudeja for State.
Mr.Mahabir Singh for complainant.**

Bail Application. 260/2004

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1. Petitioner No.1 was married to Ms. Snehlata Bhardwaj. Petitioner No.2 is the mother of petitioner No.1.

2. The marriage was not too happy. FIR in question has been registered on the complaint made by the wife alleging dowry harassment at the hands of her husband.

3. Two children have been born to the petitioner and the complainant. The children are with the complainant.

4. It is not in dispute that the complainant is residing in the matrimonial house, but in a separate part thereof. It is also not in dispute that the petitioner No.1 is paying Rs.4000/- p.m. to the complainant towards maintenance for the two children. I

t is also not in dispute that the complainant is not spending any amount towards water and electricity consumed by her as also on the maintenance of the portion of the house in her possession.

5. Petitioner No.1 is earning Rs.10,500/- p.m. Complainant is earning Rs.9800/- p.m.

6. I have perused the FIR which is the usual story of an unhappy marriage. Usual allegations against torture and mental harassment are set out.

7. Proceedings under Section 498A/406/34 IPC are not to be converted into recovery proceedings. However, it is the desire of a court to try and ensure that matrimonial disputes are resolved. Attempts were made in the present case in this direction, but unfortunately have failed.

8. Considering the fact that the complainant is still residing in the matrimonial house, but in a separate portion thereof and the fact that she and her children are otherwise being provided with maintenance by the petitioner No.1, I am inclined to admit

the petitioners to anticipatory bail as prayed for. It has to be additionally noted that the petitioners have cooperated with the investigating officer during enquiry. Since 6.2.2004 petitioners are under interim protection.

9. Petition stands disposed of with the direction that 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, petitioner would be r

leased on bail in FIR No.39/2004 P.S. Narela.

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

11. 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 them.

Dasti.

July 19, 2005 PRADEEP NANDRAJOG, J.

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