

Anil Jain Vs. State

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Court : Delhi

Decided On : Sep-18-2003

Reported in : 107(2003)DLT677; II(2003)DMC787; 2004(73)DRJ380

Judge : S.K. Agarwal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 438; [Indian Penal Code \(IPC\), 1860](#) - Sections 406 and 498A

Appeal No. : Criminal Misc. (Main) No. 2298 of 2003

Appellant : Anil Jain

Respondent : State

Advocate for Def. : O.P. Saxena, Adv.

Advocate for Pet/Ap. : Anand Maheshwari, Adv

Judgement :

ORDER

S.K. Agarwal, J.

1. This is a petition under Section 438, Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 124/2003 under Sections 498A, 406, IPC, P.S. Kamla Market.

2. As per prosecution allegations, petitioner was married to the complainant on 3.7.2002; the marriage between the parties did not succeed and on 17.4.2003, abovenoted case was registered on the report of the complainant.

3. Learned Counsel for the petitioner submits that the petitioner has participated in investigation; the complainant had been writing letters praising her in-laws and the husband-petitioner is working in a Bank and complainant is also employed in the National Book Trust; and petitioner is willing to keep the complainant but she has declined to join the matrimonial home. Thus conciliation failed because of the complainant, therefore, the petitioner is entitled to anticipatory bail.

4. Learned APP for the State, arguing to the contrary submits that the two accused mentioned in the FIR have already been granted anticipatory bail; articles of Istridhan and jewellery weighing about 35 tola of gold and some silver items are yet to be recovered and, therefore, custodial interrogation of the petitioner is required for recovery of articles. At this stage, learned Counsel for petitioner further submits that without prejudice to his rights and contentions, the petitioner is ready and willing to deposit the amount towards the value of the unrecovered jewellery articles, on such terms as this Court may deem proper.

5. In the facts and circumstances of this, case petitioner, in the event of his arrest, is ordered to be released on bail, on his furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/SHO, subject to the condition that petitioner deposits Rs. 2.00 lakhs by way of FDR in the name of the complainant in any nationalized Bank and give the FDR to the IO within four weeks from today; IO shall get an endorsement from the Bank on the FDR to the effect that the same can be encased by the complainant as and when ordered. After the endorsement, IO will hand over the FDR to the complainant, who shall keep the same in safe custody till adjudication of the respective rights of the parties, This will be without prejudice to the rights and contentions of the parties.

Petition stands disposed of. dusty to both the parties.

