

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2646/21
FIR No. 240/2020
U/s 308/325/342/394/34 IPC
P.S. Wazirabad
State Vs. Premwati & Ors.

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Premwati for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
Sh. Arun Kasana, Ld. Counsel for applicant/accused.
Complainant in person.

It has been submitted by the complainant that on account of death of relative of his counsel, date of 25.10.2021 has been given at the Mediation Centre.

Accordingly, re-list for further proceedings on 26.10.2021.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2559/21
FIR No. 195/2020
U/s 394/411/34 IPC
P.S. Roop Nagar
State Vs. Ghanshyam @ Buddha

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 439 Cr.P.C. on behalf of applicant Ghanshyam @ Buddha for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

None for the applicant.

Today the evidence is to be recorded in one of the 20 oldest matter i.e. SC No. 28375/16 titled *State Vs. Narender*. Therefore, no time left.

Put up for arguments on 21.10.2021.

Order be uploaded on the website of Delhi District Courts.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2989/21
FIR No. 125/21
U/s 392/397/342/411/120B/34 IPC
P.S. Crime Branch
State Vs. Vijay Bhan Pandey

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Fresh application has been moved u/s 439 Cr.P.C. on behalf of applicant Vijay Bhan Pandey for extension of interim bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. U.K. Giri, Ld. Counsel for the applicant/accused alongwith

Sh. Naman Pandey, son of the applicant

IO/SI Santosh Kumar also present.

Report of IO received.

Ld. Counsel for applicant submitted that he has moved this application for extension of interim bail application on the medical grounds. He has filed the medical documents of the applicant alongwith the present application.

A perusal of the medical documents of the applicant reveals that doctor has advised him bed rest for one week.

Contd.....

Accordingly, in view of the submissions and after perusal of medical record interim bail is hereby extended for one more week. Accused shall surrender after one week before Tihar Jail, with the same terms and conditions mentioned in order dated 27.08.2021. Accordingly, the application is disposed of.

Order be uploaded on the website of Delhi District Courts.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2373/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Mahipal

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Mahipal for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2374/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Roshni

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Roshni for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2379/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Nitesh Kumar

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Nitesh Kumar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2378/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Ritesh

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Ritesh for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2375/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Rupesh

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Rupesh for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2377/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Rocky

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Rocky for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2372/21
FIR No. 180/21
U/s 380/448/451/506/34 IPC
P.S. Gulabi Bagh
State Vs. Vinay

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application has been moved u/s 438 Cr.P.C. on behalf of applicant Vinay for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsel for applicant/accused.

Sh. R.B. Singh and Sh. Amarpreet Singhs, Ld. Counsel for the complainant.

Ld. Counsel for complainant seeks more time to file on record list of stolen properties, which shall be submitted before the Court through IO.

Under these circumstances, let interim protection be continued till the NDOH.

Put up on 01.11.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2986/21
FIR No. 292/18
U/s 498A/406/34 IPC
P.S. Burari
State Vs. Kamlesh Bhasin

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Fresh application has been moved u/s 438 Cr.P.C. on behalf of applicant Kamlesh Bhasin for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Ashok K Sagar, Ld. Counsel for applicant/accused.

Let report of the IO be called for 22.10.2021.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021**

Bail Application No. 2598/21
FIR No. 174/21
U/s 376/313 IPC
P.S. Karol Bagh
State Vs. Deepanshu Pahadiya @ Lala

11.10.2021

Present application received from the Court of Sh. Ankit Singla, Ld. ASJ, (FTSC) (RC), Central District as he is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Rubal Sharma, Ld. Counsel for the applicant.

This is an application for rectification of FIR number in bail order dated 09.10.2021.

Let report of IO be called for today at 2 PM.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

Bail Application No. 2598/21
FIR No. 174/21
U/s 376/313 IPC
P.S. Karol Bagh
State Vs. Deepanshu Pahadiya @ Lala

11.10.2021

At 2 PM

Present: As before.

IO/WSI Agyawati also present.

Report of IO received.

Application filed on behalf of accused seeking rectification of FIR number in bail order dated 09.10.2021. It has been submitted by Ld. Counsel for the applicant that the correct FIR No. is 174/21, P.S. Karol Bagh and not FIR No. 74/21, as has been inadvertently mentioned in the bail order dated 09.10.2021. The IO is present here and has affirmed this fact.

Accordingly, in bail order dated 09.10.2021 passed by Ld. ASJ (FTSC) (RC), Central District, Tis Hazari Courts, in bail application no. 2598/21, the FIR number be read as FIR No. 174/21 and not as FIR No. 74/21.

Copy of this order be given dasti to Ld. Counsel for the applicant.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**N THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2988/21
FIR No. 416/2021
U/s 498A/406/34 IPC
P.S. Wazirabad
State Vs. Neha

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Neha for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Vijendra Singh Dhangar, Ld. Counsel for applicant.
IO/SI Neeraj Kumar present.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that co-accused Amit Kumar, Dayawati and Rajender Prasad have already been granted anticipatory bail by this Court, therefore, on the grounds of the parity, anticipatory bail be granted to the present applicant. Ld. Counsel has

vehemently contended that the present issue is a matrimonial dispute which applicant wants to amicably settle and for the said purpose the matter was sent to the Mediation Centre.

3. *Per contra*, Ld. Addl. PP for the State alongwith IO vehemently opposed the present anticipatory bail application as per law. It was submitted that dowry articles have not been returned.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that she got married to the applicant on 29.01.2020. After some time of marriage the applicant and his family started demanding money and other items from the complainant. Complainant stated that she was not only beaten, harassed and tortured but also was abused physically.
5. In matters pertaining to matrimonial dispute, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

“23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines***

issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with

**The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.*

**Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refused the bail in exceptional circumstances.*

** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.*

**In the matrimonial cases bail is a rule and refusal is an exception.”*

6. The averments of Ld. Counsel that the present issue is a matrimonial dispute which the husband wanted to amicably settle and for the said purpose the matter was sent to the Mediation Centre reflects that there is scope for hearts to melt and for the parties riven asunder to be restored to *status quo ante* position. Incarcerating the applicant may tantamount to crossing the Rubicon, for an arrest may obviate chances of reconciliation, if any. Thus, this Court does not deem it fit to allow apprehension of the applicant by the police at this juncture. Accordingly, applicant is granted anticipatory bail on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.

- b) The applicant is directed not to leave the country without intimation to the IO.
 - c) The applicant shall join investigation as and when called for and shall return all the dowry articles.
 - d) The applicant is directed to give all her mobile numbers to the Investigating Officer and keep them operational at all times.
 - e) The applicant shall give her address to the IO and if she changes the address she shall intimate the same to the IO.
 - f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him / her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2987/21

FIR No. 416/2021

U/s 498A/406/34 IPC

P.S. Wazirabad

State Vs. Vipin Kumar

11.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Neha for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.

Sh. Vijendra Singh Dhangar, Ld. Counsel for applicant.

IO/SI Neeraj Kumar present.

Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that co-accused Amit Kumar, Dayawati and Rajender Prasad have already been granted anticipatory bail by this Court, therefore, on the grounds of the parity, anticipatory bail be granted to the present applicant. Ld. Counsel has

vehemently contended that the present issue is a matrimonial dispute which applicant wants to amicably settle and for the said purpose the matter was sent to the Mediation Centre.

3. *Per contra*, Ld. Addl. PP for the State alongwith IO vehemently opposed the present anticipatory bail application as per law. It was submitted that dowry articles have not been returned.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that the she got married to the applicant on 29.01.2020. After some time of marriage the applicant and his family started demanding money and other items from the complainant. Complainant stated that she was not only beaten, harassed and tortured but also was abused physically.
5. In matters pertaining to matrimonial dispute, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

“23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines***

issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with

**The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.*

**Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refused the bail in exceptional circumstances.*

** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.*

**In the matrimonial cases bail is a rule and refusal is an exception.”*

6. The averments of Ld. Counsel that the present issue is a matrimonial dispute which the husband wanted to amicably settle and for the said purpose the matter was sent to the Mediation Centre reflects that there is scope for hearts to melt and for the parties riven asunder to be restored to *status quo ante* position. Incarcerating the applicant may tantamount to crossing the Rubicon, for an arrest may obviate chances of reconciliation, if any. Thus, this Court does not deem it fit to allow apprehension of the applicant by the police at this juncture. Accordingly, applicant is granted anticipatory bail on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.

- b) The applicant is directed not to leave the country without intimation to the IO.
 - c) The applicant shall join investigation as and when called for and shall return all the dowry articles.
 - d) The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - e) The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him / her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/11.10.2021