

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Bail Application No.1433/2008**

% **Date of Decision : 14.07.2008**

Siddharth Ravindra Jain ..... Petitioners  
Through: Mr.Mohit Kumar Shah, Advocate.

Versus

State of NCT of Delhi ..... Respondent  
Through : Mr.Amit Sharma, APP for the State.

**CORAM :-**

\* **HON'BLE MR. JUSTICE ANIL KUMAR**

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| 1. Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. To be referred to the reporter or not?                                | NO  |
| 3. Whether the judgment should be reported in the Digest?                | NO  |

**ANIL KUMAR, J.**

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This is a petition under Section 438 of Criminal Procedure Code for grant of anticipatory bail to the petitioner, husband of the complainant wife. On the basis of wife's complaint to Crime against Women Cell, Nanakpura Police Station, FIR No.38 of 2008 was registered on 24<sup>th</sup> June, 2008.

The petitioner has contended that he has committed no offence and he has been falsely implicated. According to the petitioner, the behavior of the respondent was strange right from the beginning and after returning from the honeymoon. Allegation of suppression of the fact that the complainant was suffering from Epilepsy is also made. It is also alleged that all the belongings of the complainant were sent in three boxes to her residence at Delhi by courier. Divorce proceedings under Section 13(i)(ia) of the Hindu Marriage Act are also pending before the Senior Civil Judge (SD), Baroda, bearing HMP No.129/2008.

The petitioner's grievance is that the marriage was solemnized by committing a fraud on the petitioner and there is no proof of the fact that he had committed cruelty on the complainant and the allegations leveled against Mr.Tyagi are also concocted. The petitioner is stated to be a bright boy who has started his career and has no criminal history. It is also averred that perusal of FIR will reflect that no offence punishable under Sections 406/498A/354/34 IPC has been committed.

Perusal of first information report reveals that the allegations are that on 18<sup>th</sup> December, 2007 petitioner had allegedly told the complainant that enough dowry was not given to him in marriage and that the petitioner had been regularly torturing and beating the complainant to force her to bring more money. It is also alleged that the complainant was kept in a room without food and water. Shri

Arvind Tyagi had also tried to molest the complainant physically but the  
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petitioner did not take any action against Mr.Tyagi and she was rather told that he married the complainant for fulfilling the desires of Mr.Arvind Tyagi. The complainant is alleged to have made a call to the petitioner on 14<sup>th</sup> February, 2008 to return the valuable household articles, however, the same have not been returned.

Considering the pleas and contentions, the FIR does not seem to be having bald accusations so as to humiliate or malign the reputation of the applicant/petitioner only.

Considering the gravity and seriousness of accusations as alleged by the complainant, I do not consider it to be a fit case to grant anticipatory bail to the petitioner/accused.

Consequently, the petition under Section 438 of Criminal Procedure Code for grant of anticipatory bail is dismissed.

**July 14<sup>th</sup> , 2008**  
'Dev'

**ANIL KUMAR, J.**