

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

+ **Bail Application No.2618/2008**

% **Date of Decision: 24.12.2008**

Santosh Saxena Petitioner
Through Mr.D.K.Sharma, Advocate.

Versus

The State (NCT of Delhi) Respondent
Through Mr.M.P.Singh, 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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Cr1.M.A No.14377/2008

Allowed subject to all just exceptions. Application is disposed of.

Bail Application No.2618/2008

The petitioner seeks anticipatory bail in complaint filed by his wife. Issue notice to the respondent. Mr.M.P.Singh, learned APP for the State accepts notice.

I have heard the learned counsel for the parties. The learned counsel for the petitioner has contended that petitioner has handed

over the dowry articles to the police station and he is still ready to return other dowry articles to the complainant and the allegations leveled against the petitioner in her complaint are totally false, concocted and baseless. It is further contended that the complainant herself committed cruelty against the petitioner and his family members and she on her own free will left the matrimonial home and not collected the dowry articles from the police station. It is also contended that the complainant has filed a petition under Section 125 of the Criminal Procedure Code at her native place, Bharatpur, Rajasthan against the petitioner. It is also asserted that the petitioner is ready to join the investigation and he is innocent and senior citizen and having past clean records and ready to cooperate in the investigation.

The learned APP has pointed out that according to the complainant the petitioner is a habitual drinker and he had been harassing and beating the complainant. There are allegations of forcing the complainant to have unnatural sex in front of minor children. The allegation against the petitioner is also of causing grievous injury by sharp weapons on the body of the complainant. The learned APP has also produced the photographs showing the injuries on the complainant.

The learned counsel for the petitioner contends that the injuries were on account of broken bangles.

Perusal of the photographs, however, prima facie negates the plea of the learned counsel for the petitioner that the injuries could be on account of broken bangles.

Considering the allegations made against the petitioner and considering the nature and gravity of accusations and the antecedents of the applicant this Court is not inclined to grant anticipatory bail to the petitioner. The application for grant of anticipatory bail under Section 438 of the Criminal Procedure Code is, therefore, dismissed.

December 24, 2008
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ANIL KUMAR
(Vacation Judge)