

SUPREME COURT OF INDIA

Sanjay Bhagwani

Vs.

State of N.C.T. of Delhi

CrI.A.No.50 of 2004

(Y. K. Sabharwal and A. S. Lakshmanan JJ.)

12.01.2004

ORDER

The Order of the Court is as follows

1. Leave granted.
2. The appellant was granted interim bail by the High Court in terms of its order dated 31st March, 2003. His application for grant of anticipatory bail has, however, been dismissed by the impugned order, inter alia, noticing that articles of jewellery were yet to be recovered and, therefore, there was no ground to grant anticipatory bail to the appellant. Our attention has been drawn to the statement of the complainant recorded on 28th January, 2003, inter alia, to the effect that when the dispute with the husband could not be resolved, she, taking all ornaments and clothes, came back with her uncle and brother to her parents' house.
3. Having regard to the facts and circumstances of the case, in our view, the appellant is entitled to be granted anticipatory bail. Therefore, setting aside the impugned order, we allow the appeal # and direct that in case of arrest, the appellant shall be released on bail by the arresting officer upon the appellant executing a personal bond in the sum of Rs.30,000/- (Rupees Thirty thousand only) with one surety of the like amount to the satisfaction of the arresting officer.
4. The appellant shall join the investigation as and when required to do so and comply with all other requirements of Section 438(2) of the Code of Criminal Procedure. The observations made in this order shall not affect any other parties on merits.