

SUPREME COURT OF INDIA

Mayank Pathak

Vs.

The State (Govt. of NCT of Delhi)

(Sudhansu Jyoti Mukhopadhaya and Sharad Arvind Bobde JJ.)

21.07.2014

JUDGMENT

SHARAD ARVIND BOBDE, J.

1. The Additional Sessions Judge, Rohini Court, Delhi denied to the Petitioner anticipatory bail, in view of the serious allegations made by Mrs. Anisha Sharma, wife (Respondent - complainant) under Section 498A of the Indian Penal Code. Aggrieved, the Petitioner (Mayank Pathak) approached the Delhi High Court. The Delhi High Court has also rejected the Petitioner's prayer for anticipatory bail, in view of the serious allegations of illegal demands of dowry made by the Petitioner on the complainant and cruel treatment. The High Court has observed that there are allegations of the complainant that she suffered bleeding due to beating and could not save her pregnancy. The High Court has also referred to the medical record of 6th February, 2013 on which the complainant visited Dr. Krishna Sangwan at Rohtak along with the Petitioner due to bleeding and threatened abortion, which ultimately resulted in miscarriage. It is thus found that there is also objective material for denial of anticipatory bail to the Petitioner.

2. As noted earlier, a First Information Report (FIR) was lodged by the Mrs. Anisha Sharma, complainant/Respondent No. 2 with the Crime Against Women (CAW) Cell, Maurya Enclave, New Delhi making serious allegations of illegal demands of dowry, beating etc., as mentioned above. Particular instances are set out in the Order of the Additional Sessions Judge, Rohini Court, Delhi, dated 21.12.2013 as also the Order of the Delhi High Court dated 18.02.2014 and we do not consider it necessary to reproduce the same.

3. Suffice it to say that the courts below have found the allegations serious enough to deny grant of anticipatory bail. We are entirely in agreement with the observations and prima facie conclusions of the courts below.

4. In this case, we would like to make a note of the fact that attempts made to reconcile the parties for an amicable settlement of the dispute have met with failure, mainly, due to the denial and refusal of the Petitioner and his family to return the complainant's streedhan, which according to the complainant is valued more than ` 50 lakhs. According to the Petitioner, he has no such articles of the complainant and that the complainant has taken back not only her articles but also those from the Petitioner's family. The Petitioner has not agreed to this even though the complainant has not asserted any demand of alimony in case of mutual divorce but only asked for return of her articles. The Respondent even complained that the Petitioner's father threatened herself and her father with consequences of filing the case. For reasons best known to the Petitioner, he has ultimately stuck to his stand and the attempts for amicable settlement have been unsuccessful.

5. This Court finds it unfortunate that the parties cannot settle such a matter and the Petitioner is willing to fight out the matter in court. We are conscious that the statements made in the court in the attempt for conciliation are not evidence before the court and will not be used as such. In any case, we are of the view that the allegations of cruelty and torture at the hands of the Petitioner and the alleged desertion of the complainant as a result of beating, completely disentitle the Petitioner to any consideration for anticipatory bail. In view of the above, we find no merits in this special leave petition and the same is dismissed. The orders of the High Court and Additional Sessions Judge are affirmed.