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

+ **BAIL APPLN. 330/2015**

FARMAN

..... Petitioner

Through Mr.Sanjay Kumar, Adv.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through Ms.Alpana Pandey, APP.

ASI Rakesh Kant PS Kirti Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **22.12.2015**

The petitioner was made accused in FIR No.291/2014 (PS Kirti Nagar) instituted for offences under Sections 498-A/406/34 of the IPC.

The petitioner is the husband of the complainant and is alleged to have ill treated his wife and did not take care of his minor daughters.

In the first instance, in order to show his bonafide, the petitioner deposited a sum of Rs.50,000/- by way of demand draft in favour of his wife, towards her maintenance.

The aforesaid amount was accepted by the complainant.

The matter was, thereafter, referred to mediation centre. Despite several rounds of negotiations, the mediation failed.

The parties are present in the Court.

The petitioner has offered to take back the complainant in her matrimonial home. The only difficulty perhaps is that the petitioner stays in

a village where the complainant does not wish to go.

The complainant has her own story to narrate. She submits that she does not feel confident and safe going to the village home of the petitioner.

Learned counsel for the petitioner submits that it is difficult for the petitioner to find out an accommodation in Delhi because of his straightened financial circumstances. Despite this, the petitioner is ready to pay to the complainant a sum of Rs.3,000/- per month maintenance. This offer is for the reason that the complainant does not wish to join him as his wife in his village home where his ancestral house is situated.

The complainant, who is present in Court, submits that this is too meagre an amount for her and her daughter's maintenance. The petitioner on the other hand is ready to rear up 2 out of 3 daughters, whose custody was handed over to the complainant by the order of this Court. This proposal is also not acceptable to the complainant wife.

Considering the fact that the petitioner has offered to settle his matrimonial discord with the complainant and bring her back to his home, which offer has outrightly been rejected by the complainant wife, this Court is inclined to grant him bail subject to the condition that he starts making payment of Rs.3,000/- per month, commencing from the month of December 2015 to the complainant wife.

The complainant shall provide her bank account number to the petitioner so that the money be remitted in her account within 10 days of the beginning of each month.

The aforesaid amount, it is made clear, is without any prejudice to the rights and claims of any of the parties.

Let the petitioner be released on bail, in the event of his arrest, on his furnishing a bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the arresting officer/SHO of the concerned police station.

In case regular payments of Rs.3,000/- per month is not made, it would be open for the complainant/wife to approach this Court to have order of bail cancelled.

The application is allowed and disposed of accordingly.

Dasti.

ASHUTOSH KUMAR, J

DECEMBER 22, 2015

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