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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: March 02, 2015

+ **CRL.M.C. 2364/2014 & CrI. M.A. No. 7983/2014**

ANU AGGARWAL Petitioner

Through: Mr. K. Singh, Advocate

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: Mr. Navin Sharma, Additional Public
Prosecutor for State with SI A. Khan
Mr. Virendra Singh, Advocate with
Respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **(ORAL)**

Impugned order of 21st April, 2014 permits petitioner to go to USA to earn his livelihood subject to his furnishing personal bond of ₹3lacs with two sureties of the like amount to the satisfaction of the trial court.

The apprehension of petitioner-wife is that once petitioner is permitted to go to USA, then he will not return and it would not be possible to secure his presence, thereby rendering the trial of this FIR case under Sections 406/498A of *IPC* and the maintenance proceedings ineffective.

Learned counsel for respondent-accused, upon instructions from respondent-accused, who is present in the court, submits that to allay apprehension of petitioner, a cash surety of ₹8 lacs would be furnished

to the trial court, which be converted into an FDR and respondent-accused would have no objection if the interest accrued thereon is released to petitioner during the pendency of these proceedings.

Let an undertaking by way of an affidavit in the aforesaid terms be furnished by respondent-accused before the trial court and upon respondent-accused's furnishing a cash surety along with one local surety in the sum of ₹ 3 lacs to the satisfaction of the trial court, the passport of respondent-accused be released to him, so that he can travel to USA to earn his livelihood. Let respondent-accused also furnish an undertaking to the effect that he shall be attending the court proceedings in this FIR case as well in the Domestic Violence Act proceedings.

At this stage, learned counsel for respondent-accused, on instructions, submits that if there is a time bound trial then respondent-accused is ready to face it, instead of furnishing a cash surety, as his travelling back to India on every date of hearing would be arduous and would entail unnecessary financial burden upon him.

In view of the aforesaid stand taken by respondent-accused, impugned order is quashed with directions to trial court to expeditiously conclude the proceedings in this FIR case i.e. preferably by 30th May, 2015 and to ensure compliance of this order, let date of hearing be preponed by trial court as respondent-accused seeks trial and would make statement qua witnesses, so that recording of avoidable witnesses is substantially curtailed.

Let respondent-accused appear before trial court on 9th March,

2015. Trial court be apprised of this order forthwith.

With aforesaid directions, this petition and the application stand disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 02, 2015
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