

#35

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 9th September, 2015

+ **BAIL APPLICATION 1654/2012**

SUMIT

..... Applicant

Through

Mr. Prabhat Kaushik, Advocate along
with the applicant

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Mr. Rajat Katyal, APP for the State
SI Amit Verma, P.S. Gokulpuri
Complainant in-person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of pre-arrest bail in FIR No. 178/2012 under Sections 498A/406/34 IPC registered at Police Station-Gokulpuri, Delhi.

2. Briefly encapsulated the facts are that the applicant (husband) and the complainant (wife) were married according to Hindu rites and customs on 1st May, 2011 at Delhi. However, no child was born out of the said wedlock.

Due to ideological and temperamental differences, they separated from each other and started living separately. On a complaint instituted by the complainant (wife), the subject FIR was registered against the applicant and his family members.

3. Learned counsel for the parties state that the complainant (wife) as well as the applicant (husband) have arrived at an amicable resolution of their outstanding marital dispute.

4. The Settlement Deed dated 8th September, 2015 entered into between the parties to the union has been handed over in Court today. The same is taken on record as **Exhibit C-1**.

5. The agreement between the parties is lawful and is hereby accepted. The parties shall abide by the terms and conditions stated therein.

6. In pursuance to the Settlement Deed, a sum of Rs. 50,000/- has been handed over to the complainant. The complainant acknowledges the receipt thereof.

7. The applicant (husband) who appears in person undertakes to pay the second tranche of Rs. 1,50,000/- to the complainant (wife) in the presence of the Investigating Officer namely SI Amit Verma, Police Station- Gokulpuri,

Delhi, on or before the 10th of October, 2015. The undertaking given by the applicant is hereby accepted. He shall remain bound by the same.

8. It is stated by the counsel for the applicant that a sum of Rs.1,50,000/-, as directed by the Supreme Court by an order dated 29th January, 2013 passed in SLP(Crl.) No. 742/2013 was deposited by the applicant in the registry of the Supreme Court and the same was transferred from the Registry of the Supreme Court to the registry of this Court by an order dated 19th August, 2014 passed by the Supreme Court in SLP(Crl.) No. 742/2013.

9. In view of the foregoing, it is, therefore, directed that the Registry of this Court shall release the amount of Rs. 1,50,000/- along with the interest accrued thereon to the complainant (wife) forthwith.

10. In view of the above facts and circumstances, it would be in the interest of justice to allow the present bail application. Ordered accordingly.

11. In the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the condition that the applicant shall join investigation and

make himself available for interrogation to the Investigating Officer as and when called upon to do so.

12. With the above directions, the present bail application is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

SEPTEMBER 09, 2015/sd

