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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 851/2015**
VIRENDER PRASAD

..... Petitioner

Through: Mr. P.L. Sharma, Advocate
versus

STATE (NCT) OF DELHI

..... Respondent

Through: Mr. Vinod Diwakar, Additional Public
Prosecutor for the State with Sub-
Inspector P.L. Meena, Police Station
Aman Vihar, Delhi.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **19.10.2015**

P.S. TEJI, J. (ORAL)

1. By this petition filed under Section 438 of Cr. P.C., the petitioner seeks anticipatory bail in a case registered under FIR No.1148/2014, under Section 498-A/406/34 of IPC and Section 4 of the Dowry Act, at Police Station Aman Vihar, Delhi.

2. Upon notice, Mr. Parveen Bhati, APP for respondent-State submitted that on 05.05.2015 the complainant who was then present in court showed her willingness to explore the possibility of settlement between the parties to which learned counsel for the petitioner also agreed. Thereafter the matter was referred to the

Delhi High Court Mediation and Conciliation Centre on 20th May 2015 and the petitioner was granted interim order in his favour, thereby he was directed to deposit the FDR for a sum of Rs.2 lac before the Trial Court.

3. The application for seeking interim bail, as preferred by the petitioner before the learned Sessions Judge, was dismissed vide order dated 06.04.2015, by observing that the application filed by the present petitioner was pre mature and also that there was no reflection for settlement on the part of the applicant/petitioner with the complainant.

4. To impugned the aforesaid order passed by learned Additional Sessions Judge 04 (North-West), the petitioner has preferred the present bail application under Section 438 of Cr.P.C.

5. On 5th May 2015, while hearing the present petitioner, this court passed the following order:-

“Learned counsel for petitioner submits that there was a mediated settlement of 23rd July 2014 whereby parties had agreed to live together but due to suspicious nature of complainant/first-informant, they could not reside together. It is submitted by learned counsel for petitioner that without prejudice to the rights of the petitioner, he is ready to deposit fixed deposit receipt of Rs.2,00,000/- in the name of trial court with the trial court within four weeks.

Upon notice, Mr. Parveen Bhati, learned Additional Public Prosecutor for respondent-State submits that complainant/ first informant is present in the court and she wants to explore possibility of a mediated settlement so that parties amicably resolve their dispute or gracefully part ways.

Learned counsel for petitioner submits that petitioner is also present in court and he is eager for a comprehensive mediated settlement.

In view of the aforesaid, let the parties appear before the Delhi High Court Mediation and Conciliation Centre on 20th May 2015 at 3.00 pm and thereafter, as and when called.

Renotify on 29th September 2015.

Till then, subject to petitioner depositing the First Deposit Receipt with trial court within aforesaid period and his joining mediation proceedings, he be not arrested in this case.

Dasti.

6. During the course of hearing, learned counsel for the petitioner submits that in compliance of the order dated 5.5.2015, the petitioner has already deposited a sum of Rs.2 lac by way of FDR. In support of his contention the petitioner has also placed on record the order dated 02.06.2015 passed by the learned Additional Sessions Judge thereby disposing the application filed by the petitioner for depositing the amount of Rs.2 lac.

7. The complainant/respondent No.2 is also present in court

and states that the matter has already been settled between the parties.

8. In view of the aforesaid facts and circumstances, the present petition preferred by the petitioner/applicant is allowed and it is directed that in the event of arrest, the petitioner is directed to be released on bail on furnishing his personal bond in the sum of Rs.25,000/- with two sureties each in the like amount to the satisfaction of the arresting officer. The petitioner is directed not to tamper with the evidence; not to influence the prosecution witnesses and shall not leave the country without prior permission of the Court concerned.

9. With aforesaid directions, the present bail application is disposed of. However, it is made clear that the observations made above shall not affect the merits of the case.

(P.S.TEJI)
JUDGE

OCTOBER 19, 2015
pkb