

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

Judgment delivered on : December 07, 2015

+ **BAIL APPLN. 1729/2015**

RITESH BAJAJ

..... Petitioner

Through Mr.Yeeshu Jain & Ms.Jyoti Tyagi,
Advs. with petitioner in person.

versus

STATE

..... Respondent

Through: Ms.Manjeet Arya, Additional Public
Prosecutor for the State.
Mr.Mohit Gupta, Adv. for the
complainant with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

JUDGMENT

P.S.TEJI, J.

1. The present petition is filed under Section 438 of IPC seeking anticipatory bail in a case registered as FIR No.1241/2014 under Sections 498-A/406/34 IPC, registered at Police Station K.N. Katju Marg, New Delhi.

2. The petitioner, before taking voluntary retirement, served the Indian Army at the post of Captain and was married to respondent No.2 on 29.11.2013 and after lapse of little time, there were quarrels between the parties on one pretext or the other. The complainant had

also filed a complaint before the Commissioner of Police on 31.8.2014, but the complainant herself preferred to take no action on the said complaint while getting her statement recorded before the Inspector (Counselling) on 16.10.2014. The petitioner herein had also moved an application seeking anticipatory bail before the Trial Court and vide order dated 24.02.2015, the Trial Court was pleased to grant a notice period of five days before the arrest of the petitioner, while directing the petitioner to join the investigation as and when required by the Investigating Officer. It is further contented that the petitioner had joined the investigation on various dates.

3. On 25th August 2015, when the present petition came up for hearing before this Court, counsel for the petitioner submitted that without prejudice to the rights of the petitioner and to show bona fide, petitioner is ready to deposit an FDR in the sum of Rs.1 lac in the name of the Trial Court with the Investigating Officer of this case within a period of one week and it was also submitted that the petitioner is also eager to settle this matrimonial dispute through mediation.

4. Upon notice, learned Additional Public Prosecutor for the State,

on instructions from the complainant of the FIR in question, submitted that the possibility of amicable settlement in this matter can be explored through mediation.

5. Accordingly, both the parties were directed to appear before the Delhi High Court Mediation and Conciliation Centre on 3rd September 2015 at 3.00 PM and thereafter, as and when called and subject to petitioner complying with the undertaking regarding deposit of the said FDR and joining and co-operating in the mediation proceedings, the petitioner was granted the interim protection. It was also ordered that the FDR be retained by the Investigating Officer of this case and the same be not released to the complainant of the FIR till further orders.

6. On 20.11.2015, an application was filed by the petitioner for taking on record the settlement and the same was disposed of on the same date.

7. I have heard the submissions made by learned counsel for the petitioner and have gone through the material placed on record.

8. Considering the fact that the parties to the present application have settled their inter se disputes through the medium of Delhi High

Court Mediation and Conciliation Centre, therefore, the interim protection given to the petitioner vide order dated 25.08.2015 is made absolute. Accordingly, it is ordered that in the event of arrest of the petitioner – Ritesh Bajaj, he be admitted to bail on furnishing a personal bond in the sum of Rs.20,000/- with two sureties of the like amount to the satisfaction of the arresting officer. Parties are directed to remain bound by the terms of the settlement arrived at between them before the Delhi High Court Mediation & Conciliation Centre, in the present case. Petitioner is directed to appear before the Investigating Officer as and when required, he shall not tamper with the evidence, he shall not influence the prosecution witnesses and shall not leave the country without prior permission of the Court.

9. With aforesaid directions, the present bail application stands disposed of.

10. Dasti.

(P.S.TEJI)
JUDGE

DECEMBER 07, 2015
pkb