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

+ **BAIL APPLN. 2239/2015**

MUKESH JAIN

..... Petitioner

Through : Mr. S.S. Rathee, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through :Mr. M.P. Singh, APP with SI Md.
Haroon, P.S. Tilak Nagar
Mr. Abhimanyu K. Singla, Adv. with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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30.09.2016

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is submitted that complainant was never treated with cruelty by the petitioner. She has made general allegations against the petitioner. Petitioner has already paid ₹4,00,000/-. Accordingly, petitioner be granted anticipatory bail.

Learned APP, who is assisted by the learned counsel for complainant, has opposed grant of anticipatory bail to the petitioner. It is contended that complainant has categorically stated in the FIR that at the time of marriage ₹25,00,000/- was spent. Despite this, she was not treated properly. Even

prior to the marriage, petitioner had taken money from her father on various occasions (dates have been given in the FIR). Petitioner was not happy since car was not given in the marriage. Petitioner was having relation with one girl, which fact came to the knowledge of the complainant two days after the marriage. After two days of marriage, petitioner slapped her. She has further alleged that on 2nd July, 2010 her mother came to meet her when petitioner abused her. Petitioner asked her either give dowry, as per his satisfaction or give him divorce. He gave beatings to her. In the month of March, 2011, petitioner demanded ₹10,00,000/- and when she showed her inability, he gave beatings to her and threw her out.

Learned APP further submits that conduct of the petitioner is not above the board. He had settled the matter with complainant on 12th September, 2014 before Delhi Mediation Centre, Tis Hazari Courts, Delhi and has agreed to pay ₹13,00,000/-. It was agreed that parties will obtain a divorce by mutual consent. However, he paid ₹4,00,000/- only that too, during the pendency of present petition. Vide order dated 27th March, 2016, petitioner was directed to remain present in Court on 1st September, 2016. However, he did not appear in Court and was directed to appear in Court today. He is not present in court.

Learned counsel for the petitioner submits that petitioner is not responding to his telephone calls.

Keeping in mind the totality of circumstances, bail application is dismissed.

A.K. PATHAK, J.

SEPTEMBER 30, 2016

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