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

+ BAIL APPLN. 252/2018 & CrI. M.A. Nos. 1844-45/2018

SACHIN JAIN

..... Petitioner

Through

Mr. Sushil Salwan, Mr. Aditya Garg
and Ms.Sunanda Tulsyan, Advs.

versus

STATE

..... Respondent

Through

Ms. Meenakshi Dahiya, APP with
Inspector Praveen Kumar, P.S. Farsh
Bazaar for respondent no. 1
Ms. Gayatri Puri, Adv. for
complainant

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.02.2018

Prosecutrix has alleged in the FIR that petitioner induced her to live with him as his wife, although he had obtained an ex-parte divorce from the court at New Jersey County of Hudson, United States of America, behind her back. Her marriage took place with the petitioner on 20th January, 2015. Physical and mental cruelties were inflicted on the complainant to force her to bring dowry. Prosecutrix came back to India from the United States of America since she was treated with cruelty by the petitioner there. She filed a complaint in Crime Against Women Cell, wherein her in-laws and other

relatives were called. Petitioner represented that he wanted to save the marriage, therefore, proceedings before the Women Cell were suspended and prosecutrix joined the company of petitioner at USA. However, prosecutrix was not kept properly, inasmuch as, prosecutrix came to know that petitioner had already obtained an ex-parte divorce. During her stay in USA petitioner had sexual relations with her. Prosecutrix returned to Delhi and lodged FIR No. 76/2017 under Section 376 IPC at Police Station Farsh Bazar.

Investigations are stated to be still pending. Learned APP submits that petitioner did not participate in the investigations, accordingly, proceedings under Section 82 Cr.P.C. have been initiated against him, which are pending. LOC has also been issued against him.

It is submitted that petitioner and respondent no. 2 have now settled their disputes amicably, vide a Settlement Agreement dated 8th August, 2017. Petitioner had filed a petition for quashing of the FIR, in view of the settlement but same has been dismissed by this Court in view of law laid down in Gian Singh vs. State of Punjab & Anr. 2010 (12) SCALE 461 and Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur Vs. The State of Gujrat & Anr. MANU/SC/1241/2017.

During the course of hearing, it is submitted that petitioner intends to approach the Supreme Court by filing an appropriate petition for quashing of the FIR, in view of the settlement arrived at with the prosecutrix.

Learned APP, who is assisted by the learned counsel for complainant, submits that earlier anticipatory Bail Application no. 1158/2017 of petitioner was dismissed vide order dated 15th June, 2017.

Learned counsel for the petitioner submits that there has been change in circumstances since then as an amicable settlement has been arrived at and prosecutrix is now not opposing the bail. Learned counsel for the complainant submits that complainant has no objection in case anticipatory bail is granted to the petitioner, subject to petitioner taking prompt steps for filing the appropriate petition in the Supreme Court within a reasonable time.

Learned counsel for the petitioner submits that petitioner cannot come to India in view of the LOC. Presence of petitioner may be required at the time of hearing of the petition before the Supreme Court. Accordingly, he may be granted anticipatory bail and LOC may be stayed.

Keeping in mind the totality of the facts and circumstances of this case, it is ordered that in case of arrest, petitioner be released on anticipatory

bail subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned. Operation of the LOC is also stayed.

Bail application is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Dasti.

A.K. PATHAK, J.

FEBRUARY 01, 2018

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