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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2365/2018, CRL.M.A. 33815/2018 (Exemption)**
BRIJESH

..... Petitioner

Through: Mr. Bhavesh Kr. Sharma, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Jasmer Singh, P.S. Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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09.10.2018

Mr. Tarang Srivastava, the learned counsel for the State submits that he would like to file a fresh Status Report with better particulars before the next date.

The complainant is present in the Court. She does not have a counsel. Ms. Kanika, Advocate, present in the Court, is appointed as her counsel for the day. She states, upon instructions, that the complainant and her family members live in fear of assault and harm from the petitioner and his family members. Her mother was assaulted by Tilak Raj, the bother-in-law of the petitioner. Mr. Srivastava submits that the same shall be looked into by the SHO concerned.

The petitioner seeks anticipatory bail in case bearing FIR No. 389/2018, Police Station Jahangir Puri. He and the complainant are married to each-other. They have a minor child of one and a half years. She has

unfortunately been afflicted with a cancer ailment and is being treated in different hospitals including Lady Hardinge Medical College, Smt Sucheta Kriplani Hospital and All India Institute of Medical Sciences. The expenses towards medicines are being borne exclusively by the maternal grandparents of the child, without any monthly contribution by the child's natural father – the petitioner.

The learned counsel for the petitioner submits that de hors the merits of the case or the allegations against him, the petitioner is ready and willing to pay a monthly maintenance of Rs.6,000/- to the complainant with effect from the date of the alleged incident i.e. September, 2017. For the time being, the petitioner shall pay an amount of Rs.25,000/- to the complainant on or before 16.10.2018, directly into her bank account, details of which shall be supplied to the petitioner through the counsel for the complainant and the IO. The arrears shall be paid in five equal installments beginning on 18th November, 2018 into the said account. The remaining installments shall be paid every month thereafter on the same date, in addition to the monthly maintenance for each month.

Any infraction in making of payment shall be visited with costs of Rs.5,000/- for each infraction; that amount too shall be deposited in the said account of the complainant.

The complainant shall be free to collect the rest of her belongings, as may be at her matrimonial home (her in-laws' home), where she had been cohabiting with the petitioner and her minor daughter. She is presently living with her minor daughter at her parents' home. Whenever she wishes to visit her matrimonial home to take her belongings or otherwise, a lady constable along with two other police officials shall accompany her to

facilitate her endeavour and visits. The learned counsel for the petitioner states that trial in case FIR No.835/2015 registered at Police Station Jahangirpuri, Delhi, is underway; the petitioner is already on bail in that case; the allegations in this case too are by the complainant against her spouse.

In view of the aforesaid, in the event of arrest of the petitioner in case FIR No. 389/2018, P.S. Jahangir Puri, he shall be released on bail on his furnishing a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Trial Court with the condition that the petitioner shall maintain a physical distance of at least 50 yards from the complainant and her family members.

The petition is disposed-off in the above terms.

NAJMI WAZIRI, J

OCTOBER 09, 2018/acm