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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1755/2017**

RAGHUBANS PRASAD CHAUDHARY Petitioner
Through: Mr. Shashank Shekhar, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr. Kewal Singh Ahuja, APP for
State with SI Kamal Kumar Yadav,
PS Okhla Industrial Area
Complainant in person

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **27.11.2018**

The petitioner was married to Ms. Jyoti, complainant, on 17.01.2013. The parties, on account of some differences, separated from each other w.e.f. 11.03.2013.

At the instance of the complainant, FIR No. 513/2016 was registered by Police Station Okhla Industrial Area for investigation into offences allegedly committed under Sections 498A, 406, 34 IPC. Besides this, some other litigation, including before the Family Court, came to be initiated. The present petition was filed against the said backdrop with the prayer for anticipatory bail in case FIR No. 513/2016 by the husband.

The parties were referred to mediation and as per the settlement agreement dated 03.08.2018 entered upon before the Mediator of Delhi High Court Mediation and Conciliation Centre, they have agreed to resolve the

dispute in terms of which besides approaching the Family Court for decree of divorce by mutual consent, an agreement has also been reached to facilitate filing of a petition by the petitioner for seeking quashing of the proceedings arising out of the aforementioned FIR. The petition to that effect is yet to be filed.

There was some delay on the part of the petitioner in taking steps in terms of the timelines indicated in the settlement agreement. Against this backdrop, the matter came up before this Court on 03.10.2018. It was brought to the notice of the Court that as per the terms settled the petitioner is to pay Rs. 4 Lacs in all to the complainant as full and final settlement of her claims against him, in the form of two equal instalments of Rs. 2 Lacs each. The petitioner had agreed, after further deliberations, on 03.10.2018 to pay an additional amount of Rs. 10,000/- to take care of the element of delay in payment of the first instalment. It was agreed on 03.10.2018 that the parties would approach the Family Court by first motion petition on or before 15.11.2018, the rest of the schedule to be maintained as agreed earlier.

The said timeline has again not been met. The counsel for the petitioner explains that there was delay in mustering the money for payment of the first instalment of Rs. 2,10,000/-. He, however, submitted that a Demand Draft in the total amount of Rs. 2,10,000/- has now been readied and he is under instructions to pay the sum today itself, this being the instalment that was to be paid at the time of first motion petition, the parties being now agreeable to approach the Family Court by such petition on or before 05.12.2018. The complainant, who is present in Court, agrees to the

above request and consequent modification of the terms.

Pursuant to the above, the petitioner, through counsel, has handed over and the complainant in person has received the Demand Draft No. 007590 dated 23.11.2018 in the sum of Rs. 2,10,000/- drawn on Bank of India, Boring Canal Road Branch, Patna for which she has issued a formal receipt of acknowledgement which has been handed over to counsel for the petitioner.

Against this backdrop, the petition for grant of anticipatory bail is allowed.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(v) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

NOVEMBER 27, 2018
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