

RENU BALA
2023.10.11 16:44
I attest to the accuracy and
integrity of this document

behalf of respondent No.2 and has sought to dispute the factual assertions as sought to be put forth by the learned counsel for the petitioner. However, he fairly submits that the complainant is not averse to exploring the possibility of amicable settlement through process of mediation.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 22.12.2022.

The petitioner shall also pay a sum of Rs.30,000/- to the complainant/respondent No.2 on her appearance before the Mediator to facilitate her presence and participation during the course of mediation proceedings.

The report be awaited for 14.03.2023. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. As per the report received from the Mediator, despite the best efforts, the parties could not arrive at an amicable settlement.

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions and is not in possession of any article of *Istri Dhan*.

4. On instructions from Sub Inspector Ajay Kumar, learned State counsel submits that the petitioner has joined the investigation, his custodial interrogation is not required and the recovery of some golden jewellery is yet to be effected but no bills with regard to the jewellery has been submitted. It has also been submitted that the allegations with regard to the threat perception to the complainant have also been verified but the same have not been found to be substantiated.

5. Learned counsel for the complainant has opposed the bail application on the score that the petitioner had been threatening the complainant with dire consequences and sending objectionable materials and asking her to withdraw the complaint.

6. It is significant to note that that the learned State counsel has categorically stated that there is no threat perception to the complainant at the instance of the petitioner. The controversy as to whether the articles of *Istri Dhan* were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.
7. In view of the aforesaid submissions, the order dated 01.12.2022, granting interim bail to the petitioner is made absolute.
8. The petition is allowed.

09.10.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No