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

+ **BAIL APPLN. 896/2016**

RISHI MAHAJAN

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Advocate
with Mr. Aditya Bhardwaj,
Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with Inspector
Arun Dev Nehra and WSI
Sonam, PS S.J. Enclave.
Mr. Sudhir Nandrajog, Sr.
Advocate with Mr. R.K. Gupta,
Advocate for the complainant
with complainant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.09.2016

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1. By the present petition the petitioner, who is the husband of the complainant, seeks anticipatory bail in case FIR No.673/2015 under Sections 498A/406/34 IPC registered at PS Safdarjung Enclave, Delhi.

2. The allegations by the complainant in the FIR are that her marriage with the petitioner was solemnised on 25th November, 2013 wherein her parents spent around ₹30 lakhs on marriage functions. The petitioner and the complainant were known to each other as they were working at Gurgaon. However, after the marriage the complainant was subjected to taunts on

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account of deficient dowry by her in-laws. She has alleged beating by the mother-in-law and the brother-in-law in December, 2013. She has further alleged that she was beaten by her husband on 3rd March, 2014, 24th April, 2014 and 30th April, 2014. It is further alleged that on 29th March, 2015 the complainant was given beatings and since then she is at her parental home. Besides the above allegations there are allegations of retention of streedhan items.

3. Learned counsel for the petitioner has taken me through the entire FIR and states that each and every allegation in the FIR is false and fabricated. It is stated that on 3rd March, 2014 when the complainant alleges that she was beaten by her mother-in-law and the brother-in-law she was in fact watching a movie. The allegations by the complainant that she was beaten on 30th April, 2014 are also not fortified from her MLC as no external injury was found. Further though the complainant claims that on 16th June, 2014 at the night the petitioner abused her and hit her head on the table on the bedside resulting in injuries however, the medical prescription at Manali is dated 16th June, 2014 at 13.18 hours which also does not note that the petitioner injured her. It is contended that on the one hand it is alleged that the petitioner threatened that he would cut his arm whereas in the complaint made it was stated that he threatened her to cut her hand. As per the photographs filed, the entire streedhan has been returned and without prejudice to the rights and contentions of the parties, the petitioner has also handed over a cheque of ₹3,09,000/- to the complainant which was paid as down payment for the car. On the basis of these contentions the petitioner seeks anticipatory bail.

4. A perusal of the detailed status report filed by the State would reveal

that in the MLC of the complainant dated 30th April, 2014 prepared at Safdarjung Hospital the complainant alleged physical assault by husband on the same date and complained of pain all over the body. Though there was no apparent external physical injury except abrasion at the base of the tongue, the complaint of pain all over the body and alleged history of physical assault prima facie fortifies the allegations of beating. Further the OPD card of Lady Willington Hospital at Manali wherein the date noted is not clear however, notes pain in the Parieto Occipital region relating to right ear. It also notes history of trauma. Even though it does not note that the husband had beaten however, it prima facie supports the allegations of the complainant that she was hit on the head. Further the State has also placed on record written apology of the petitioner assuring that he would keep his wife in comfort and with respect. In one of the letters he has even stated that if his wife takes back all allegations, which never took place, he was ready to change his life style.

5. Considering the allegations of continuous physical torture which are fortified by two medical documents, I am not inclined to grant anticipatory bail to the petitioner.

6. Consequently the present petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 08, 2016
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