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

**DECIDED ON : 8<sup>th</sup> November, 2016**

+ **BAIL APPLN. 2031/2016**

COL (RETD) AJAY AHLAWAT ..... Petitioner

Through : Mr.R.N.Mittal, Sr.Advocate with  
Mr.Sumit Chaudhary, Mr.Ankit Goel  
& Mr.Ravin Rao, Advocates.

VERSUS

STATE ..... Respondent

Through : Ms.Meenakshi Dahiya, APP.

**CORAM:**  
**HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (Oral)**

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.489/2016 registered under Sections 341/342/370/419/370(A)(2)/120B/34 IPC and Sections 7/14 of Foreigners Act at PS Safdarjung Enclave. Status report is on record.

2. I have heard the learned Senior Counsel for the petitioner and the learned Addl. Public Prosecutor and have examined the file. Learned Senior Counsel for the petitioner urged that the petitioner has joined the investigation on 20.07.2016. He has been falsely implicated in this case due to his filing complaint against senior officers of Delhi Police. In a raid conducted by Income Tax Officers on 02-03.06.2016 at the premises of co-accused P.N.Sanyal, the victim 'X' was found living there. She was

harassed and tortured by Income Tax Officer for three days and due to pressure, she slit her wrists. After a gap of about three weeks, the FIR was lodged on the complaint of Assistant Director of Income Tax on 21.06.2016. 'X' has lodged complaint against the Income Tax Officers before National Commission for Women for harassment. In the application filed before the Trial Court for return of her pass-port, she reiterated harassment at the hands of Income Tax Officers. 'X' was never kept in wrongful confinement. She rather disclosed that she was having a close relationship (like husband and wife) with P.N.Sanyal. There are no allegations against the petitioner. Disclosure statements of the co-accused are of no consequence. Reliance has been placed on orders in '*Suresh vs. State*' in Bail Appln. 699/2011; '*Parvez Akhtar vs. State*' in Bail Appln. 3314/2006 & '*Jagdish Nautiyal vs. State*' in Bail Appln. 1317/2012.

3. Learned APP urged that there are serious allegations against the petitioner and he is involved in human trafficking for sex.

4. At the outset, it may be mentioned that vide comprehensive order dated 30.07.2016 anticipatory bail application of the petitioner was dismissed by the learned Addl. Sessions Judge. The petitioner thereafter filed bail application 1603/2016 before this Court. By an order dated 08.08.2016, the Co-ordinate Bench of this Court permitted the petitioner to withdraw the said bail application after brief submissions. Subsequently, the instant anticipatory bail application almost on similar grounds has been filed on 30.09.2016. No plausible explanation has been offered to file the second anticipatory bail application before this Court after withdrawal of the previous one on 08.08.2016 in the absence of any substantial change of circumstances. Contrary to that, status report reveals that the petitioner did

not join the investigation after dismissal of the bail application as withdrawn and proceedings under Section 82 Cr.P.C. have been executed. Attachment process under Section 83 Cr.P.C. has been issued returnable on 15.11.2016 vide order dated 17.10.2016. Apparently, even after dismissal of the anticipatory bail application, the petitioner did not opt to join the investigation. Co-accused P.N.Sanyal was arrested and was granted bail vide order dated 30.10.2016 after remained in custody for sufficient duration and the victim did not have any objection to the grant of bail to him.

5. Serious allegations have been levelled by the prosecutrix in her statement under Section 161 Cr.P.C. involving P.N.Sanyal and others including the petitioner for keeping her in custody against her wishes. Prosecution has relied upon various whats-app messages exchanged between the prosecutrix and others including the petitioner. Allegations against the petitioner are that he and his associates used to run a sex racket at international level. They used to procure girls and supply them to various other persons.

6. The Trial Court observed that it was a case of sex racket of international level. The case was at its preliminary stage and the custodial interrogation of the petitioner was necessary for fair and complete investigation and to protect the witness from his influence. Conflicting statements one recorded under Section 161 Cr.P.C. and the other in application moved by the victim for release of pass-port subsequently require to be scrutinised to ascertain whether the victim was prevailed upon after the registration of the case.

7. Considering the gravity of the offence and serious allegations against the petitioner, his conduct and the fact that earlier anticipatory bail

filed by the petitioner was opted to be withdrawn without seeking liberty whatsoever, I find no sufficient ground to grant anticipatory bail particularly when proceedings under Section 82 Cr.P.C. have been completed and process under Section 83 Cr.P.C. has been issued to secure his presence.

8. The bail application is dismissed.

**(S.P.GARG)**  
**JUDGE**

**NOVEMBER 08, 2016 / *tr***

