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

+ **BAIL APPLN. 2135/2016**

CHETAN MANCHANDA Petitioner

Through: Mr. Pinku Singh, Advocate.
versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: Ms. Anita Abraham, APP along with
SI Sharada, PS – Bindapur, for the
State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

% **ORDER**
19.10.2016

Crl. M.A. No. 16194/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2135/2016

The petitioner has preferred the present bail application to seek anticipatory bail under Section 438 Cr.P.C. in case FIR No.571/2016 under Section 377/ 323/ 506 IPC registered at PS – Bindapur on the complaint of the petitioner's wife. The allegations against the petitioner in the FIR are that right after marriage of the parties in February 2015, the applicant used to force the complainant to have unnatural sex with him. Upon her resistance, the applicant would beat her up. She has made specific allegations against the petitioner with regard to such unnatural acts not only

in her statement under Section 161 Cr.P.C. but also in her statement recorded under Section 164 Cr.P.C.

The FIR came to be registered after the complainant called the police on account of her being beaten up by the petitioner and taking shelter in her neighbourhood. The photographs of the complainant after the alleged beating have been shown to the Court. The statement of the complainant recorded under Section 164 Cr.P.C. has also been shown to the Court and read by me.

The submission of learned counsel for the petitioner is that the allegations with regard to unnatural sex have been made much later, i.e. after the incident of 06.08.2016 when '100' number was called by the complainant alleging that the petitioner had given her beating.

I am not impressed by the aforesaid submission of learned counsel for the petitioner. The sexual relation between a husband and wife is a very private matter and a woman would be reluctant to talk about it unless things come to a head. Therefore, mere delay in making the allegations, prima facie, may not be sufficient to disbelieve the same at this stage. The allegations made in the FIR as well as statement under Section 164 Cr.P.C. are specific and graphic. In these circumstances, the petitioner is not entitled to any pre-arrest bail.

Dismissed.

VIPIN SANGHI, J

OCTOBER 19, 2016

B.S. Rohella