

\$~20

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

+ BAIL APPLN. 2489/2018 and CrI. M.A. 34696/2018

GULAB

..... Petitioner

Through: Mr. Deepak Kohli, Mohd. Shariq and
Mr. Farhana Warsi, Advocates

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for the
State with SI Poonam

Mr. Yogesh Swaroop, Advocate for the
complainant

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

23.10.2018

%

In the first information report (FIR) no.78/17 registered by police station Geeta Colony on 17.02.2017 on the complaint of Anjum, wife of the petitioner, allegations have been made, *inter alia*, against him of commission of certain acts constituting offences punishable under Sections 377, 498A, 406, 313, 506, 34 IPC. The petitioner has not joined investigation till date though police has been trying to procure his presence. He had approached the court of Sessions by bail application (no.855/2018) which was dismissed by order dated 25.05.2018. As per the status report submitted, non-bailable warrant has been issued by the Metropolitan Magistrate at the instance of the investigating agency but the petitioner continues to be elusive.

The focus of argument of the counsel representing the petitioner was that there is a marked improvement in the allegations forming part of the

complaint leading to the FIR being registered when seen against the backdrop of another complaint which was lodged on 16.02.2017 which was addressed to DCP of District Shahdara. It does appear that in the complaint dated 16.02.2017, the allegations about the harassment over dowry were not fully spelt out but then there is a reference to such harassment in the second para of the said complaint as well, the complaint leading to the FIR being registered being more elaborate.

Having gone through the contents of the FIR and the previous complaint, there does not seem to be any material improvement on the basis of which it could be said at this stage of the process that the allegations are false, imaginary or concocted. It is not a run-of-the-mill routine case of harassment for dowry. There are specific allegations of physical assault leading to abortion by the husband (the petitioner) aided and assisted by his other close relatives. The allegations to this effect find resonance in the medical records of contemporaneous origin. The petitioner seems to have made an attempt to down play the gravity of the case by omitting reference to offences such as those punishable under Sections 377, 313 IPC from the caption and the prayer clause of the petition which is not fair.

Be that as it may, given the nature of the offences involved and the allegations made, the view taken by the court of Sessions in denying the benefit of anticipatory bail seems to be the correct approach in the matter.

The bail application and the application filed therewith are dismissed.

R.K.GAUBA, J

OCTOBER 23, 2018

yg
BAIL APPLN. 2489/2018

page 2 of 2