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

Judgment delivered on 24.12.2019

+ **BAIL APPLN. 3206/2019 & CrI.M.A. 43591/2019**

PAYAL AHUJA

..... Petitioner

Through: Mr. Rahul Sharma and Mr.
Naresh, Advocates.

versus

THE STATE

..... Respondent

Through Mr. G.M.Farooqui,
APP for State.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(Oral)

1. Vide this order, I shall dispose of an anticipatory bail application filed u/s. 438 CrPC by the petitioner **Payal Ahuja** in FIR No. 190/2019, u/s. 376(2n), 370/376D/376(3)/109/323/392/506/120B IPC and Section 6/17/21 of POCSO Act and Section 3/4/5/6/7 of ITP Act, P.S. Tilak Nagar, Delhi.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and falsely implicated. It is

submitted that complainant is a bad character of the area and she was employed as a domestic servant by mother of the petitioner at the behest of one Shivani. However, one day she had left the house without informing anyone. It is alleged that complainant had stolen money and other articles. The allegations qua petitioner are vague and she has clean antecedents. It is further submitted that petitioner is ready to join the investigation as and when required. It is, therefore, prayed that petitioner be released on bail in the event of her arrest.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. The bail application of co-accused Babu Arora has already been dismissed by this court vide order dated 21.11.2019. He has, therefore prayed for dismissal of the anticipatory bail application.

4. I have heard the rival submissions. It is alleged by the complainant that she had an altercation with her family members and therefore, she had left her house on 25.12.2018. She had, thereafter, stayed for some time in one Shivani's house who is her friend. Thereafter she had started living with Payal at WZ-27, Gali no. 10, Krishna Puri where Madhu and Jyoti, mother and sister of

Payal also used to reside. It is further alleged that at Madhu's house, different people had sexually assaulted her. One Vikram and Sahil also used to visit the house of Payal. Thereafter, she had shifted to Jyoti's house at Q-31, Vikash Vihar, Uttam Nagar where also 2-3 persons had sexually assaulted her.

5. Statement of victim was also recorded under Section 164 Cr.P.C. in which she has categorically stated that she was staying in petitioner's house where petitioner and co-accused Madhu used to force her into sexual relationship with different people and this had continued for 2 months. They used to call different people in the said house. One day she had somehow escaped. However, she was later on called by Vikram on 13.04.2019 at Dwarka Mor Metro Station where Vikram, Payal, Jyoti and Sahil were present and they had snatched her mobile phone. In the meanwhile, police was informed and Sahil was apprehended. At that time she was threatened that she would be implicated in the case if the matter is not sorted out. However, she had gone to police station and got the complaint registered. In view of the above allegations appearing on record which are serious in nature and further keeping in mind

the fact that petitioner is avoiding the process of law and proceedings under Section 82 Cr.P.C. have been initiated against her, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

DECEMBER 24, 2019
(AK)

