

\$~23 & 34 (common order)

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

+ **BAIL APPLN. 258/2019**

RAMESH KHANDELWAL

..... Petitioner

Through: Mr. Yudhvir Singh Chauhan, Adv.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State  
with SI Ajay Singh, PS Pahar Ganj.  
Mr. Vikas Bhardwaj, Adv. for  
complainant

+ **BAIL APPLN. 274/2019**

SANGEETA KHANDELWAL

..... Petitioner

Through: Mr. Yudhvir Singh Chauhan, Adv.

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State  
with SI Ajay Singh, PS Pahar Ganj.  
Mr. Vikas Bhardwaj, Adv. for  
complainant

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

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**01.02.2019**

Crl.M.A.2285/2019 (exemption) in BAIL APPLN. 258/2019

Crl.M.A.2392/2019 (exemption) in BAIL APPLN. 274/2019

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

BAIL APPLN. 258/2019 and BAIL APPLN. 274/2019

The first information report (FIR) No.363/2018 was registered by  
Police Station Pahar Ganj at the instance of Manisha daughter of Brij

*BAIL APPLN. 258/2019 etc.*

Mohan, and investigation taken up into the offences allegedly committed under Section 420 of the Indian Penal Code, 1860 (IPC) and section 4 of the Dowry Prohibition Act, 1961. In the FIR, it has been alleged that the marriage of the first informant with Rajesh had been settled with the consent of her parents, petitioners herein being the father and mother respectively of said Rajesh. It is alleged that though all arrangements had been made for reception of *barat* on 13.12.2018, the *barat* did not arrive and this has led to the reputation of the family of the first informant and their financial resources being adversely affected. It is alleged that on 12.12.2018 by a telephonic call demand for "*some cash*" and "*vehicle*" had been made from the side of the family of Rajesh but the first informant's family had declined to accede to such demands where-after Rajesh had become incommunicado, he being missing from his house.

The petitioners submit that Rajesh and Manisha had been engaged in an affair and it was at such initiative that the marriage ceremony was to be held, the petitioners not even being privy to any such arrangement. It is their contention that they have no control over the conduct of Rajesh, he being major and that they had not made any such telephonic calls to make any such demands as are being attributed.

Be that as it may, it is clear from the bare reading of the FIR that telephonic call making above mentioned demand is not attributed to any specific individual, the allegations being general in nature.

During the hearing, the learned Additional Public Prosecutor submitted that Manisha had also lodged a complaint dated 17.12.2018, after the registration of the FIR wherein she has made allegations against Rajesh

of he having sexually exploited her against her will and consent and the first petitioner herein having used casteist remarks against her.

Concededly, no case on the said subsequent compliant of Manisha has been registered till date nor the said complaint has been treated as part of the investigation of the present FIR which is registered for investigation into offences under Section 420 IPC and Section 4 of the Dowry Prohibition Act, 1961. There is no explanation in the subsequent complaint, which has been shown, as to why the allegations made therein were not made part of the complaint on which the present FIR was registered. In these circumstances, such allegations in the subsequent compliant which are yet to be probed cannot be used to resist the prayer made in the present petitions.

Having regard to the facts and circumstances, a case for release of the applicants/petitioners on anticipatory bail is made out. Thus, it is directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.10,000/- each with one surety each in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;

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(iv) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(v) They shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit their passport(s), if they holds one, with the said court.

This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against them by the court of cognizance.

Both petitions stands disposed of in above terms.

*Dasti* under the signature of Court Master.

**FEBRUARY 01, 2019**

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**R.K.GAUBA, J.**