

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 26.11.2019

+ **BAIL APPLN. 457/2019**

Ajay

..... Petitioner

Through: Mr. Harsh Prabhakar, Advocate
(DHCLSC) with Dhruv
Chaudhary and Divyadeep
Chaturvedi, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) 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 a bail application filed u/s. 439 CrPC by the petitioner **Ajay** in FIR No. 23/2018 u/s. 323/342/506/376/370/34 IPC, P.S. Hari Nagar.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that present case was registered on the complaint of one Kavita on 08.01.2018 with the help of her friend Ravi Kumar at PS Hari Nagar against the co-accused Pintu Verma alleging that the co-accused Pintu Verma has pushed her in the flesh trade and has also

assaulted her with a hammer type object on 07.01.2018. After registration of FIR, the petitioner was arrested on 14.01.2018. The police had recorded the statement of complainant Kavita on 12.01.2018 and her supplementary statement was recorded on 13.01.2018 wherein she has not taken name of the petitioner and has also given wrong address of the place of incident.

3. It is submitted that Ld. Trial Court has failed to appreciate the fact that there are material discrepancies in the statement of prosecutrix/ complainant made before the police and before the Ld. MM recorded u/s. 164 CrPC. Ld. Trial Court has failed to appreciate the fact that the prosecutrix/ complainant has made improvement in her supplementary statement recorded on 13.01.2018. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

5. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. He has, therefore prayed for dismissal of the bail application.

6. I have considered the rival submissions. The case was registered on the statement of complainant 'K' who has stated that she used to stay with her friend Pintu Verma at BF-73, 3rd Floor, Hari Nagar,

Delhi and she has earlier also stayed with Pintu Verma at different address in Delhi. On 07.01.2018, she had an altercation with Pintu and Pintu had beaten her and when she had tried to run away from the house, Pintu had locked the main door of the house and beat her with some hammer like object as a result of which she had sustained injuries on her face, hands and knees. In her supplementary statement, the complainant has alleged that co-accused Pintu Verma was making sexual relations with her for the past 03-04 years without her consent. She has further stated that two other persons namely petitioner Ajay and Prince Bhatia also used to visit the above said address and on the directions of Pintu Verma, they used to send her to the clients/customers for establishing sexual relations. The complainant has further alleged that whenever she refused to obey them, the petitioner Ajay and co-accused Prince Bhatia used to threaten her that Pintu Verma has her dirty photographs on his phone and he will send the same to his family members and relatives and will also post the same on the internet. Petitioner Ajay was arrested on 14.01.2018 and the vehicle i.e. Car bearing registration number DL 8C M 6741 in which the petitioner was used to be taken to the clients was seized and

taken into police custody and as per record petitioner Ajay was the owner of the same.

7. In view of above allegations which, prima facie, reveal active involvement of petitioner in taking the complainant to various persons for establishing sexual relations in his car as well as extension of threats that her objectionable photographs will be uploaded on internet by co-accused Pintu Verma, no grounds for grant of bail to the petitioner are made out at this stage. The bail application is, therefore, dismissed.

NOVEMBER 26, 2019

Amit

BRIJESH SETHI, J