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

+ **BAIL APPLN. 620/2019**

RAJESH KHANDELWAL Petitioner

Through: **Mr. Aakash Naval, Adv.**

versus

THE STATE

..... Respondent

Through: **Mr. K.S. Ahuja, APP for the State
with ACO Sanjiv Gupta, & SHO
Sunil Chauhan, PS Pahar Ganj.
Mr. R.N. Vats & Mr. Vikas
Bhardwaj, Advs. for complainant.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.03.2019

CrI.M.A. 5225/2019

Allowed, subject to all just exceptions.

BAIL APPLN. 620/2019

Allegations have been levelled against the petitioner in the first information report (FIR) no. 0363/2018 of police station Pahar Ganj registered on 15.12.2018 on the complaint alleging acts of commission and omission constituting, *prima facie*, offences under Section 420 of Indian Penal Code, 1860 (IPC) and Section 4 of Dowry Prohibition Act, 1961. The complainant admittedly was involved in an affair with the petitioner prior to the lodging of the said FIR, the prime case made out therein being that after the friendship had come to the notice of the parental family of the complainant, they had agreed to have formal wedding to be arranged. It is

alleged that arrangement for wedding had been organized, but the petitioner failed to come with the *baraat* on 13.12.2018, there having been some illicit demands for dowry raised.

The petitioner's parents were granted anticipatory bail by order dated 01.02.2019 passed on bail application nos. 258 and 274 of 2019.

It appears that, after lodging of the FIR, the complainant made another complaint in writing on 17.12.2018, followed by her statement under Section 164 Cr.P.C. being recorded on 16.02.2019. On conjoint reading of the FIR, the subsequent complaint dated 17.12.2018 and the statement under Section 164 Cr.P.C. the police has added the offences punishable under Sections 376, 506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is noted that the allegations concerning the SC and ST (Prevention of Atrocities) Act, 1989, if they were to be believed on their face value, are levelled not against the petitioner but against some of his close relatives. Conspicuously, in the FIR there was no reference to any sexual assault or forcible sexual intercourse.

In these circumstances, it appears just and proper to afford some interim protection to the petitioner so that he can join investigation and the prayer for anticipatory bail can thereafter be considered on the basis of further report.

The petitioner is directed to join investigation as and when called upon to do so by the investigating officer. At this stage, the learned additional public prosecutor submitted that petitioner may be asked to appear before the investigating officer at 2.00 p.m. on 14.03.2019 at the

police station Pahar Ganj. The counsel for the petitioner submits that the petitioner undertakes to abide by this requirement.

Be listed on 2nd May, 2019.

Meanwhile, there shall be no coercive steps against the petitioner.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

MARCH 11, 2019

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