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

+ **BAIL APPLN. 1431/2019**

RITU CHUGH

.....Petitioner

Through: Mr. Anil Sharma and Mr. Kunal
Nath, Advocates

versus

THE STATE (NCT DELHI)

.....Respondent

Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with W/SI Reena

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **30.05.2019**

CRL.M.A.12113/2019 (Exemption)

Allowed subject to all just exceptions.

BAIL APPLN. 1431/2019

Petitioner claims to be a spa owner, who had employed prosecutrix about two years back and the allegations levelled by prosecutrix against her are that she had served intoxicated cold-drink and she had forced prosecutrix into sexual relationship with many persons, whom prosecutrix did not know. It is alleged that prosecutrix was threatened by petitioner and co-accused-*Sandeep Walia* that if she did not work with them, they have her objectionable photographs which they would upload online and her family would be informed. As per prosecutrix, role of petitioner in the incident of 13th January, 2019, is that petitioner in drunken condition had

threatened the prosecutrix that she will tell everything to the family members of prosecutrix and that petitioner had beaten her and had also torn her clothes and thereafter, prosecutrix had left the job. As per prosecutrix, on 28th April, 2019 also petitioner and co-accused-*Sandeep Walia* had beaten and abused her near red-light in Jwala Heri, Paschim Vihar, New Delhi.

Learned counsel for petitioner submits that prosecutrix had worked with petitioner in her spa for six months only and then she left the job and the spa run by petitioner was closed on 5th June, 2018 and with the consent of landlord, aforesaid spa was given to one-*Poonam* who started running this spa. It is further submitted that co-accused-*Sandeep Walia* had taken over the spa and petitioner had no nexus with said co-accused-*Sandeep Walia*. To submit so, attention of this Court is drawn to *Annexure A-4*. It is pointed out that on 13th January, 2019, the *Lohri* function was not at the place of petitioner but was at the place of one-*Sunita*. So, it is submitted that the allegations made do not attract Section 376 D of IPC in case of petitioner and so, she deserves the concession of pre-arrest bail.

On the contrary, learned Additional Public Prosecutor for respondent-State refutes the aforesaid stand and submits that a bare reading of FIR in question reveals that there are serious allegations against petitioner and so, it is not a fit case for grant of pre-arrest bail.

Upon hearing and on perusal of FIR of this case and the material on record, I find that allegations levelled against petitioner are of serious and grave nature. Petitioner appears to have facilitated the offence of rape, thereby attracting Section 376D of IPC, which is punishable with

rigorous imprisonment for a term not less than twenty years, which may extend to life. It is pointed out that during the investigation, offence under Section 370 of IPC has been also added, which is punishable for a term not less than seven years. The conduct of petitioner disentitles her to the concession of pre-arrest bail.

Accordingly, this application for pre-arrest bail is declined, while not commenting on the merits of the case.

(SUNIL GAUR)
JUDGE

MAY 30, 2019

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