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

+ BAIL APPLN. 3114/2019

PAWAN AGGARWAL

..... Petitioner

Through: Ms. Sindhu Sakkarwal, Advocate

Versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr. Tarang Srivastava, Additional
Public Prosecutor for the
respondent No.1/State
Mr. Amit Balyan & Ms.Nisha
Neel, Advocates for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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14.02.2020

Petitioner is apprehending his arrest in FIR No. 188/2019, under Section 376(2) (n) IPC, registered at police station Vijay Bihar, Delhi. He is seeking anticipatory bail while claiming of being victimized at the hands of complainant.

At the hearing, learned counsel for petitioner submitted that petitioner was in relationship with complainant of FIR in question from March 2014 till February, 2018 and wanted to marry her and for this reason, he had obtained divorce from his first wife. It is further submitted that the complainant is working with *Miraz Security* and has been fraudulently transferring the funds of the company in the accounts of

petitioner and that of her friends and relatives and that when the petitioner refused to be part of the fraud committed by her, she has roped in the petitioner in this false and fabricated case.

Status report dated 12th February, 2020 has been placed on record by respondent/State. Learned Additional Public Prosecutor for State submits that in the statement of complainant recorded under Section 164 Cr.P.C., it has been categorically stated by the complainant that petitioner represented himself as a bachelor and on the pretext of marriage, he had sexually assaulted her and when she became pregnant, the petitioner brought a pill for abortion and when she came to know that petitioner is already married and had children, he still assured her that he will marry her. Besides, complainant has also alleged that petitioner has also taken Rs.11,00,000/- from her on one occasion or the other. Learned Additional Public Prosecutor for State further submits that an independent witness – *Sangeeta* in her statement recorded under Section 161 Cr.P.C., has supported the version put forth by the complainant. It is brought to the notice of this Court by learned Additional Public Prosecutor for State that petitioner/accused is not cooperating in the investigation of this case and process under Section 82 Cr.P.C. has been directed to be issued against the petitioner and the matter is now listed before the learned trial court on 28th February, 2020. Therefore, the instant anticipatory bail application is strenuously opposed by learned Additional Public Prosecutor for State.

Heard.

I have considered the rival submissions. There are serious allegations against the petitioner of having sexually assaulted the complainant on the false pretext of marriage and when she became

pregnant, the petitioner had brought her abortion pills to abort the pregnancy and he had also concealed the fact from complainant that he is already married. Further, keeping in mind the fact that investigation in this case is at initial stage and the petitioner is not cooperating with the Investigating Agency and that after issuance of non-bailable warrants, process under Section 82 Cr.P.C. has also been issued against him, no grounds for anticipatory bail to petitioner are made out.

The application stands dismissed accordingly.

BRIJESH SETHI, J

FEBRUARY 14, 2020

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