

\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAILAPPLN.90/2020,CRL.M.(BAIL)69/2020,CRL.M.A.753/2020**

DINESH CHAUHAN

..... Petitioner

Through: Mr. V.C. Shukla & Mr. Amit Kumar,
Advocates.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for
State with SI Ved Prakash, PS Sarita
Vihar.
Mr. Brijesh Kumar, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **16.01.2020**

CRL.M.A.753/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

BAILAPPLN.90/2020

The applicant seeks the grant of anticipatory bail qua FIR No.378/2019, PS Sarita Vihar initially registered under Sections 323/509/34 of the Indian Penal Code, 1860 pursuant to which the statement under Section 164 of the Cr.P.C., 1973 of the prosecutrix was recorded. The provisions of Sections 313, 377 and 498A of the Indian Penal Code, 1860 have been added with the investigation now having been conducted qua the offences punishable under Sections 313/324/354/377/498A/506/509/34 of the Indian Penal Code, 1860.

It has been submitted on behalf of the applicant that the statement

under Section 164 of the Cr.P.C., 1973 of the prosecutrix is an afterthought to falsely implicate him; that the anticipatory bail application has been declined vide order dated 27.11.2019 of the learned ASJ-03, South East on the submissions that have been made on behalf of the State to the effect that the place where the gender test was conducted is to be ascertained, which is not a ground for denial of the grant of the anticipatory bail.

The application is vehemently opposed on behalf of the State submitting to the effect that there has been an abortion got done twice after the gender tests having been done qua which it has been submitted on behalf of the applicant that the applicant and the complainant have two daughters who would not have existed if such termination of pregnancies had taken place.

At this stage, a further submission has been made on behalf of the State on instructions from the counsel for the complainant who is present to the effect that a complaint has been registered at PS Shahdara after the registration of the present FIR that there have been threats meted out to the complainant by the in-laws with weapons to the complainant. It has also been submitted on behalf of the State that there are categorical averments made by the complainant to the effect that there have been an abortion got done twice after the sex determination tests having been conducted. In the circumstances, there is no ground for grant of anticipatory bail whatsoever.

The application is thus, declined.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

JANUARY 16, 2020

'neha chopra'