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

+ **BAIL APPLN. 439/2020**

PAWAN AHUJA

..... Petitioner

Through: Mr. Jayant Sud, Sr. Advocate with
Mr. Chirag Khurana, Ms. Sanya Sud,
Mr. Sachin Gupta and Mr. Shailesh
Poddar, Advocates.

versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APP for the State
with SI Anju Dahiya- PS Maurya
Enclave
Mr Gurmit Singh Hans, Adv. for the
complainant.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **14.02.2020**

Crl. M.A. No. 3370/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 439/2020

1. Issue notice. Ld. APP for the State who appears on advance notice accepts notice.
2. This is an application filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.426/2019 under

Sections 376/354A(A)/498A/323/506/34 IPC registered at Police Station Maurya Enclave.

3. Briefly stated, as per the case of the prosecution, the complainant married Pawan Ahuja (present petitioner) on 08.07.2019. After the marriage the complainant started residing in her matrimonial home. It is alleged that when on 30.07.2019 her husband (present petitioner) was on night duty and she was sleeping, her father-in-law (co-accused Ashok Ahuja) entered into her room, lifted her shirt and touched her stomach. The complainant woke up and confronted her father-in-law (co-accused Ashok Ahuja), who told her that he was checking her fever, but in fact she had no fever. The complainant told her husband (present petitioner) about the said incident but he told her that the property is in the name of his father, so she had to do everything to make him happy.

4. It has been further alleged by the complainant that on 05.08.2019 they celebrated the birthday of her husband's brother and on that day her husband (present petitioner) was on night duty. While she was working in the kitchen, her father-in-law (co-accused Ashok Ahuja) came there in drunken condition, caught hold of her from behind and tried to kiss her. She pushed him and ran to her room. She locked the room from inside and again told her husband (present petitioner) about the said incident but he again gave the same reply that the property is in the name of his father, so she had to bear whatever his father does.

5. It is alleged that the petitioner asked her to do whatever his father asked her to do or else she should bring Rs. 10 Lakh from her

parents as insufficient dowry was given in the marriage. It is further alleged by the complainant that petitioner also threatened her that in case she disclosed anything about the behaviour of his father to her parents, then she would be killed. It is further alleged by the complainant that petitioner, his younger brother and her father-in-law (co-accused Ashok Ahuja) used to give beatings and abuses to her on petty issue. According to the complainant when she went to her parents house and stayed there for 2-3 days, she told about the incident to her brother and when her brother came to drop her to her matrimonial home, he did not talk to her father-in-law (co-accused Ashok Ahuja) as her husband (present petitioner) and his younger brother were not present at the house at that time.

6. According to the complainant, on 06.11.2019 her relatives came to her matrimonial home and there were heated arguments but no fruitful result came out. It is further alleged that when her parents and other relatives left, then the petitioner went to drop his aunts, at that time her father-in-law (co-accused Ashok Ahuja) came in the kitchen and started abusing her and said nothing can happen to him and that he would do whatever he wants to do because the husband of the complainant (present petitioner) knows everything.

7. It is alleged that thereafter the complainant locked herself inside the room and when her husband (present petitioner) came, she narrated this fact to him but again he stated that she will have to do whatever his father says. It is further alleged that on 07.11.2019, the complainant disclosed everything to her brother and also told that accused persons were demanding Rs. 10 Lakh from her.

8. It is further alleged by the complainant that on 23.11.2019, at about 10 a.m she went to the room of her father-in-law (co-accused Ashok Ahuja) to take out things from the fridge, co-accused Ashok Ahuja who was standing near the chair pushed her on the bed and when she screamed, he pressed her mouth, lifted her shirt and started touching her stomach. He then pressed her neck due to which her mangalsutra broke and then he took off her leggings and put his finger in her vagina. The complainant pushed him and ran to her room and made a call at 100 number and went to the police station to get the present case registered.

9. It is urged by the Ld. Sr. counsel for the petitioner that the petitioner has been falsely implicated in the present case. He further urged that this is a matrimonial dispute and this false FIR has been simply registered to harass the petitioner and his family. It is further urged by the Ld. Sr. counsel for the petitioner that the complainant never wanted to marry petitioner but she was forced to marry him by her parents and because of which this false FIR has been registered. He further urged that the allegations made by the complainant against the petitioner are false.

10. On the other hand, it is urged by the Ld. APP for the state that the allegations against the petitioner are grave and serious in nature. She further urged that the marriage took place on 08.07.2019 and just after few months of the marriage, the father-in law of the complainant (co-accused Ashok Ahuja) started the sexual exploitation of the complainant. She further argued that the complainant reported about the sexual exploitation by her father-in-law (co-accused Ashok

Ahuja) to the petitioner but the petitioner instead of deterring his father asked the complainant to do whatever his father asked her to do to make him happy as the property is in the name of his father, or else she should bring Rs.10 Lakh from her parents as insufficient dowry was given in the marriage. She further argued that the petitioner even threatened the complainant that in case she disclosed anything about the behaviour of his father to her parents, then she would be killed.

11. She further urged that the matter was even reported by the complainant to her brother and other family members who had come to her matrimonial house and confronted her in-laws but no fruitful result came out. She further urged that the complainant was recently married and there was no reason for her to make false allegations against the present petitioner and her father in law (co-accused Ashok Ahuja) without any rhyme or reason. She further urged that the complainant has made specific allegations against the petitioner.

12. In the instant case, the marriage had taken place on 08.07.2019 and according to the complainant just after few months of the marriage her trauma started in the matrimonial home. According to her demand of Rs. 10 Lakh was made. She was even beaten in the house in her matrimonial home and sexually exploited by her father-in-law (co-accused Ashok Ahuja).

13. The present petitioner is the husband of the complainant who rather than saving the honour of his wife shamelessly used to ask the complainant to succumb to his father lust. The petitioner also demanded Rs. 10 Lakh from the complainant and from the allegations it appears that the petitioner was more interested in getting

the property of his father rather than saving the honour of his wife. The petitioner was the custodial of the honour of the complainant but rather being so he broke the trust of the complainant in him. A girl comes to her matrimonial home leaving her parents house reposing all her faith and trust in the man with whom she marries but here the petitioner instead of saving the honour of the complainant despite various complaints and incident narrated by the complainant about his father to him, rather than confronting his father the petitioner asked the complainant to do what his father wants. As far as the argument of the Ld. Sr. counsel for the petitioner that the complainant never wanted to marry petitioner, this argument appears to be highly preposterous because the complainant is a highly educated lady and in case it was so, she could have had her ways.

14. In these facts and circumstances, the allegations against the petitioner being grave and serious in nature, no ground for bail is made out, the bail application is therefore, dismissed.

15. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

RAJNISH BHATNAGAR, J

FEBRUARY 14, 2020

Sumant