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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 444/2020

ASHOK 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

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14.02.2020

Crl. M.A. No. 3395/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 444/2020

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 co-accused Pawan Ahuja (son of the present petitioner) on 08.07.2019. After the marriage the complainant started residing in her matrimonial house. It is alleged that when on 30.07.2019 her husband (co-accused) was on night duty and she was sleeping, petitioner entered into her room, lifted her shirt and touched her stomach. The complainant woke up and confronted the petitioner, who told her that he was checking her fever, but in fact she had no fever. The complainant told her husband (co-accused) 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 (co-accused) was on night duty. While she was working in the kitchen, petitioner 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(co-accused) 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 co-accused Pawan Ahuja (husband) of the complainant 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 co-accused Pawan Ahuja (her husband) 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 co-accused Pawan Ahuja (her husband), his younger brother and the present petitioner 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 (present petitioner) as co-accused Pawan Ahuja (husband of the complainant) 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 husband of the complainant (co-accused Pawan Ahuja) went to drop his aunts, at that time petitioner 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 (co-accused Pawan Ahuja) knows everything.

7. It is alleged that thereafter the complainant locked herself inside the room and when her husband (co-accused Pawan Ahuja) 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, 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 the petitioner to take out things from the fridge, the petitioner 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 the petitioner 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 husband's family. It is further urged by the Ld. Sr. counsel for the petitioner that the complainant never wanted to marry the son of the petitioner (co-accused Pawan Ahuja) 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 highly improbable. He further argued that the photographs shows that the complainant was happily settled in the matrimonial home.

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 petitioner started indulging in these shameless acts. 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 (her father-in-law) without any rhyme or reason. She further urged that the complainant has made specific allegations against the petitioner.

11. 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 the petitioner who instead of giving her fatherly love indulged in her sexual exploitation.

12. The complainant had made specific allegations with dates against the petitioner. The family members of the complainant has also came to her matrimonial home to find out the way, so that she can live peacefully but according to the complainant it did not yield any result. The Ld. Sr. counsel for the petitioner has relied upon certain photographs to bring home the point that the complainant was happily settled, but if it was so, then one sees no reason that she would level such serious allegations against a person who is like her father. The Ld. Sr. Counsel also argued that the complainant never wanted to marry son of the petitioner, this arguments appears to be highly preposterous because the complainant is a highly educated girl and in case it was so she could have had her ways. The allegations

against the petitioner are grave and serious in nature, no ground for bail is made out. The bail application is, therefore, dismissed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 14, 2020

Sumant