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

+ **BAIL APPLN. 2300/2020**

PAWAN AHUJA

..... Petitioner

Through Mr. Ravin Rao, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr. Amit Chadha, APP for the State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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24.08.2020

The hearing has been conducted through video conferencing.

Crl. M.A.11452-53/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications are disposed of.

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3. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail in case FIR No.426/2019, for the offences punishable under Sections 376/354-A/498-A/323/506/34 IPC, registered at Maruya Enclave, Delhi.
4. Notice issued.
5. Learned APP for the State accepts notice.
6. With the consent of the counsel for the parties, the present petition has been taken up for final disposal.
7. Learned APP has opposed the present petition by stating that on a number of times the father of the petitioner outraged modesty of the petitioner's

wife/prosecutrix and when his wife informed him, the petitioner did nothing rather asked her not to agitate the father of the petitioner as he is having good property in his name. The petitioner being husband of the prosecutrix is duty bound to take care of his wife which he failed and moreover, in the present case, the FIR is registered under Section 34 IPC, therefore, the petitioner-husband is equally liable as his father who has committed rape and the present FIR was registered 376/354-A/498-A/323/506/34 IPC.

8. On perusal of the FIR, the main allegation against the petitioner is that he did not stop his father despite being informed by his wife (prosecutrix) and there are allegations of dowry of demand of Rs.10 lacs.

9. It is also not in dispute that the allegations of outraging modesty and rape are against the father-in-law of the prosecutrix who has already been released on bail by the Court of Sessions vide order dated 06.03.2020.

10. Keeping in view the fact that the main allegation against the petitioner is of demand of dowry, this Court is inclined to grant bail to the petitioner.

11. Accordingly, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- and with one surety in the like amount to the satisfaction of the Trial Court.

12. The petition is, accordingly, allowed and disposed of.

13. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for necessary compliance.

14. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 24, 2020/rk