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

+ **BAIL APPLN. 1067/2021 & CRL.M.(BAIL) 354/2021**

LT COL PRABHAT DESWAL

.....Petitioner

Through: **Mr. Sayan Ray and Mr. Ankit
Sharma, Advocates.**

versus

STATE

.....Respondent

Through: **Ms. Shubhi Gupta, APP for the State.
SI Preeti Ahlawat, P.S. Begumpur.
Mr. Mukesh Sharma and Mr. Prateek
Goswami, Advocate for complainant
along with complainant in person.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 20/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur.
3. The present FIR has been registered at the instance of the complainant who had made allegations in her complaint before CWC cell, Rohini, that the marriage with the applicant was through matrimonial site, wherein he had stated his status as single and major in army. It is alleged that at the time of *rokka* her parents have given expensive gifts and cash to the applicant and his family members as well as their relatives and the marriage was fixed for 12.11.2010. It was further stated by the complainant that the parents of the present applicant had demanded that the ceremonies be conducted in grand



and lavish manner and prior to her marriage, her parents gave various gold and diamond jewellery, cash, clothes and household articles to her and the applicant and his parents. It is alleged that the applicant and her in-laws were not satisfied and they continued to demand cash for car. It is alleged that the marriage was solemnised on 12.11.2010 and after the marriage, the complainant was criticized and remarked by her in-laws about the marriage arrangements and dowry items. It is further alleged that they took away all her jewellery with them to keep the same in safe custody, which they did not return to her despite several requests.

4. It is further alleged that during her stay at Mhow (Indore), Army Base along with the applicant, he used to ill-treat and abuse her for not going out for dinner with his colleagues and he also slapped her and threw her on the floor. It is further alleged that the applicant dragged her from the drawing room to another room and continued to slap her again and again. It is further alleged that he tore her clothes and further sexually abused her by committing unnatural sex with her without her consent. It is further alleged that the complainant got unconscious and when she gained consciousness, she was in Army hospital and in order to save her marriage, she did not tell the doctor but told whatever actually happened to her to Col. Vivek Tyagi (senior of the present applicant), when he came to see her in the hospital. It is further alleged that the applicant and his family members used to harass her and had demanded Rs.30 lakhs which was increased to Rs. 40 lakhs for completing her MDS and PhD. It is further alleged that on 09.02.2017, the complainant gave birth to a baby girl and for that also she was taunted. Finally, it is alleged that on 11.03.2018, her parents came to her matrimonial home to talk to the applicant and his parents, but they all misbehaved and started shouting and



abusing her parents and asked them to take the complainant with them to their house.

5. On the basis of the aforesaid statement of the complainant, the Investigation was initiated and Section 377 of the IPC was added in the present FIR.

6. Learned counsel appearing on behalf of the applicant submits that the allegations in the present FIR with regard to demand of dowry are false. It is submitted that insofar as one of allegations with respect to Section 377 of the IPC is concerned, the incident was alleged to be of year 2011 and the present FIR was registered in 2020. It is further pointed out that the applicant was granted interim protection by this Court on 26.03.2021, and thereafter, he has joined the investigation as and when called by the Investigating Officer. It is further submitted that various other proceedings have been initiated by the complainant with respect to matrimonial dispute between the parties. It is further submitted so far as the dowry articles are concerned, it is the case of the applicant that the same have been taken by the complainant and her family members and statement to this effect has been given to the Investigating Officer.

7. *Per contra*, learned counsel for the complainant submits that dowry articles have still not been recovered. It is pointed out that house search has been made, however, locker search is still to be done. It is further stated that the statement made by the applicant with respect to return of jewellery articles is also contradictory with respect to the date on which it was supplied. In view of the above, the application is opposed.

8. On a pointed query from learned APP for the State, on instructions of the Investigating Officer, it is submitted that the custodial interrogation of the



applicant is not required. It is further submitted that the investigation is near completion and the chargesheet would be filed within a period of one week. It is further submitted that the locker search would also be conducted after giving notice to the applicant.

9. The allegations made in the present FIR are a matter of trial. The applicant has been on interim protection granted by this Court *vide* order dated 26.03.2021. Nothing has come on record to demonstrate that he had misused the indulgence granted to him by this Court. It is further confirmed, from the Investigating Officer, as to whether any complaint had been made by the complainant during this period with regard to any threat or harassment and it is stated that no complaint has been filed.

10. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the concerned Investigating Officer/Arresting Officer, further subject to following conditions: -

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall join the investigation as and when called by the Investigating Officer concerned.



- v. The applicant will not try to influence the witnesses in any manner.
- vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
11. The application is allowed and disposed of accordingly.
12. Pending applications, if any, also stand disposed of.
13. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 24, 2025/bsr

Click here to check corrigendum, if any