

Jeetu Sawaria vs State (Nct Of Delhi) on 22 July, 2021

Author: Mukta Gupta

Bench: Mukta Gupta

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 2399/2021
JEETU SAWARIA

Represented by: Mr Durgesh Pandey

versus

STATE (NCT OF DELHI)

Represented by:

Mr Amit Gupta, AP
with SI S.P. Sama

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 22.07.2021 The hearing has been conducted through video conferencing.

1. By this petition, the petitioner seeks anticipatory bail in case FIR 280/2021 under Sections 376D/354/354C/506/509/324 IPC registered at PS Sagarpur. Learned counsel for the petitioner states that the step father of the prosecutrix had married the mother of prosecutrix when she was five years old. The petitioner married all the three sisters including the prosecutrix. Since, the prosecutrix could not live in the village, the petitioner permitted her and her husband to reside with him at Delhi. As the prosecutrix was not willing to go along with her husband, she lodged above noted FIR and the proceedings pursuant thereto. It is stated that there is marked improvement in the statement of the prosecutrix on the basis of which FIR was registered and the statement recorded under Section 164 of the Cr.PC. In the FIR, there are no allegations of rape against the petitioner, which have been levelled in the statement under Section 164 of the Cr.PC. It is highly unnatural that the prosecutrix will not complaint to her mother but to a third person. In fact, the petitioner has been falsely implicated because the prosecutrix was under the influence of that third person.

2. The above noted FIR was registered on the complaint of one 'S' alleging physical assault, harassment, threatening and molestation against the petitioner and her husband. She stated that she was residing at the address with her mother, father and her husband. Petitioner was her step father. On 22nd May, 2020, the prosecutrix got married at Bihar and the said marriage was solemnized by the present petitioner. Initially, her husband showed good behaviour, thereafter, her husband along with the step father started making obscene videos, showed the video through Tango app and started earning money transferred through online app from people to their account. When she opposed, they threatened her. In May, 2021 at about 3:00 to 4:00 PM, the petitioner came to the

prosecutrix's room, caught her and pressed her breast. She got scared and came out of the room after pushing him. When she was revealing this incident to her husband, in the meantime, the petitioner also came and both of them started beating her. On 2nd June, 2021 her husband and father threw her on the floor, her father grabbed her and her husband pulled up her shirt and burnt her with cigarette. Due to pain she started shouting. On 3rd June, 2021, her maternal uncle took her to the hospital whereafter she went to the police station. MLC of the prosecutrix shows aberrations as also burn marks. In the MLC prosecutrix also gave history of sexual abuse by 10/15 people in one year.

3. Statement of the prosecutrix was recorded under Section 164 of the Cr.PC wherein she levelled allegations that the petitioner married her after taking two lakhs from her husband. After two months of her marriage her husband himself and by calling other people used to rape her. She would be given intoxication and under the influence of intoxication number of people raped her. When she complained this to the petitioner and her husband, they used to beat her. Her mother used to live in the village so she had to tell the same to her maternal uncle. She further alleged that the two of them showed her obscene videos on Tango app and took money from the people.

4. Considering the nature of allegations and the medical of the prosecutrix showed aberrations as also the burn marks, this court finds no ground to grant anticipatory bail.

5. Petition is dismissed.

6. Order be uploaded on the website of this Court.

MUKTA GUPTA, J JULY 22, 2021 MK