

REMP-1240-2021

Present: Sh. Akashdeep, APP for the state.
Accused Ayushi Bhatia in custody (produced)
represented by Sh. Pawan Singh Rao, Advocate.

Reply to bail application filed. Arguments heard. Learned counsel for the complainant/respondent argued that applicant/accused Ayushi Bhatia is in a habit of filing complaint against different persons on false grounds of rape etc. and there are as many as 7- 8 FIR's have been lodged by her being a complainant against different persons for rape and similar offences in various Police Stations. IO present before the court submitted that the complainant has filed FIR no. 312 dated 07.09.2020, under section 376, 506 IPC, Police Station Rajendra Park, Gurugram, FIR no. 662 dated 07.11.2020 under Section 376(2) (n), 506, 323 IPC, PS Sadar, Gurugram, FIR no. 17 dated 26.02.2021 under Section 66E/67 IT Act, 2008 & 509 IPC, PS Cyber Crime Police Station Gurugram, FIR no. 82 dated 08.04.2021 under section 376 IPC, Gurugram City, Gurugram, FIR 74 dated 08.03.2021 under Section 376/354-A/323/31 IPC, PS, Sector-5, Gurugram, FIR 156 dated 13.06.2021 under section 376/506 IPC, PS, New Colony, Gurugram and FIR no. 418 dated 25.06.2021 under section 376 IPC, PS Sector-10, Gurugram. IO also submitted that during investigation she has received call record of accused with the complainant in which accused Ayushi was demanding money by threatening. Learned counsel for complainant tendered copy of rent agreement dated 05.10.2021 and copies of FIR nos. 347, FIR no. 269, FIR no. 312, against Parveen Kataria, FIR no. 017, FIR no. 662 filed by the applicant/accused against various persons. Learned counsel for complainant also tendered copy of marriage certificate issued by Arya Samaj Mandir Trust (Regd.), Saini Market, Shiv Mandir,

Near Govt. School, Airia Mall, Badshapur, Gurugram in respect of Ayushi and Mahesh Kumar along with photographs of marriage. He argued that against this Mahesh Kumar, accused Ayushi has also filed a complaint under DV Act, bearing DV-282-2021 which is pending for tomorrow i.e. 04.01.2022 before this court. At this stage, so many persons came in the court claiming the victim of the accused against whom she has filed FIR's in various police stations. One more person namely Aman Verma appeared with his counsel and tendered a copy of complaint dated 27.11.2021 moved to DIG, Haryana, SHO Police Station, New Colony and In-charge, Women Police station, Section 51, Gurugram and stated that accused also threatening them for lodging false FIR of rape against them if they do not fulfill her demands. Learned counsel for complainant also tendered transcript of mobile conversation between Ayushi Bhatia and Ashok Soni (Aman's brother) in which accused Ayushi is using unparliamentary language and threatening and demanding from the complainant. With these submissions all the persons appearing stated themselves as victim as well as counsel for the complainant requested to dismiss bail application of the applicant/accused.

On the other hand, learned counsel for the applicant/accused submitted that the applicant Ayushi Bhatia is a victim of cruelty and false promises to marry by boys and exploited her by taking her to various places and even making physical relationship with her. He argued that the applicant/accused is a bright student of university of Delhi and a student of English (Hons.) first year in Atma Ram Sanatan Dharam College. He tendered the State Level Declamation Contest Certificate of applicant/accused in which she secured 3rd position and District Level Declamation Contest Certificate in which she secured first position. He argued that the applicant/accused is not a habitual lady for filing false complaint

but as and when she was misused by the unfaithful boys, she moved complainant against then in police. He argued that in reply filed by the police before Hon'ble Punjab and Haryana High Court at Chandigarh, in Para no. 4 stated that after completion of enquiry no proof/evidence was found qua the allegations that the prosecutrix is running racket for extortion of money from the persons against whom the allegations have been made by her in above mentioned criminal cases. However, out of above seven FIR's, three FIR's have been canceled due to false allegation, in two FIR's challan has been filed and in two FIR's investigation was under way as per verification of Concerned Assistant Commissioner of Police, Gurugram. Learned counsel for applicant/accused also tendered copy of reply by way of evidence of Maqsood Ahmed, IPS, Deputy Commissioner of Police, East, Gurugram. He further argued that no case of extortion is made out against the accused and taking a lenient view considering the age and educational qualification of the application/accused, he prayed for granting bail of accused.

I have heard both parties and the persons present in the court at length and perused the record carefully. The case file titled as "Ayushi Bhatia Vs. Mahesh" DV-282-2021 pending for tomorrow 04.01.2022 under DV Act is also summoned and perused. Perusal of the case file reveals that she has not mentioned that her marriage was solemnized forcibly. Perusal of reply filed by IPS Maqsood Ahmed, in Para no. 3 contains table of FIR's which reveals that in FIR no. 312 dated 07.09.2020 under section 376, 506 IPC, Police Station Rajendra Park, Gurugram, the proceedings under Section 182 IPC were also initiated against prosecutrix. At serial no. 4 also in FIR no. 82 dated 08.04.2021 under section 376 IPC, Gurugram City, Gurugram the proceedings under Section 182 IPC were also initiated against prosecutrix. Admittedly, more than seven FIR's

have been lodged by the applicant/accused against different persons and her cases of exploitation are still not stopping as per the application of Aman Verma appeared in the court. It is also admitted fact that applicant/accused Ayushi Bhatia is also married with Mahesh Kumar but she still threatened the other persons for marrying with her. In view of the above facts and circumstance, the true things will come out in investigation and there are much likelihood of influencing and interfering with material evidence and investigation by applicant/accused is granted bail, therefore, in view of gravity of the matter, the bail of accused Ayushi Bhatia is hereby dismissed. Papers be tagged with main file.

(Pardip Kumar)
JMFC/GGM
UID No. HR-0479

Date of Order:03.01.2022

Soniya

REMP-1240-2021

State Vs. Ayushi Bhatia

Present: Sh. Akashdeep, APP for the state.
Accused Ayushi Bhatia in custody (produced)
represented by Sh. Pawan Singh Rao, Advocate.

Arguments on bail heard. Bail application dismissed. IO has also moved application for taking voice sample of accused Ayushi Bhatia for sending the same to FSL for comparison. Accused Ayushi Bhatia present along with her counsel, suffered a statement that she has no objection in giving voice sample. Heard. In view of statement of accused represented by her counsel, application for taking voice sample is hereby allowed. IO is directed to arrange the schedule regarding the voice sample of accused Ayushi at his responsibility. Accused be forwarded to the judicial custody and be produced for the date fixed i.e. 12.01.2021.

(Pardip Kumar)
JMFC/GGM
UID No. HR-0479

Date of Order: 03.01.2022

Soniya