

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **BAIL APPLN. 740/2010**

Decided on 07.09.2010

IN THE MATTER OF :
PARSANDI

..... Petitioner

Through: Mr. Ramesh Gupta, Sr. Advocate with
Mr. Sumit Arora and Mr. Vijay Pal, Advocates

versus

STATE

..... Respondent

Through: Mr. M.N. Dudeja, APP for the State.
Mr. Yatendra Nagar, Advocate for the complainant.

CORAM

*** HON'BLE MS.JUSTICE HIMA KOHLI**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the Digest? | No |

HIMA KOHLI, J. (Oral)

1. The present petition is filed by the petitioner under Section 439 read with Section 482 of the Cr.PC praying *inter alia* for grant of regular bail to the petitioner in FIR No.429/2009, lodged by Mr.Mehar Chand, father of the deceased daughter-in-law of the petitioner under Sections 498A/304B of the IPC.

2. The aforesaid FIR was got registered on the complaint of sMr.Mehar Chand, who stated that the marriage of his deceased daughter, Ms.Munesh was solemnised with the son of the petitioner, Mr.Manish on 11.05.2005 at Rajasthan. After the marriage, Mr.Manish did not bring the

daughter of the complainant to the parental home for one year during which period, demands were made for Rs.5 lacs or a vehicle. Thereafter, when Mr.Manish brought the daughter of the complainant to their house on the occasion of the marriage of his nephew, he had demanded and was paid a sum of Rs.25,000/-. Specific allegations were made in the complaint to the effect that in the past six months, Mr.Manish, his father Mr.Tej Singh, his mother, the petitioner herein and Mr. Dheeraj, (Taya Sasur), used to beat up Ms.Munesh and had demanded a sum of Rs.5 lacs as dowry. On 10.07.2009, the complainant received a call from his daughter to the effect that her in-laws would kill her and they should take her back. A telephonic threat was also received from Mr.Tej Singh, father-in-law of the deceased, demanding dowry. When the complainant reached the house of his daughter in the evening of 10.07.2009, they were abused and turned away. On 22.07.2010, when the complainant again approached the in-laws of his daughter, they refused to send Ms.Munesh with them. Ultimately, on 02.08.2009, the complainant came to know that his daughter had committed suicide by hanging herself. As a result, the complainant demanded that legal action be taken against Mr. Manish, his son-in-law, the petitioner herein, i.e., the mother-in-law, Mr. Tej Singh, the father-in-law and Mr.Dheeraj (Taya Sasur).

3. Counsel for the petitioner submits that the petitioner is entitled to grant of bail as no specific allegation has been levelled against her and the main role has been attributed to the husband of the deceased and her father-in-law. He further states that while rejecting the bail application of the petitioner, the learned Additional Sessions Judge got swayed by the fact that the petitioner was avoiding service and proceedings under Sections

82/83 of the Cr.PC for declaring her a proclaimed offender had to be initiated. He submits that the petitioner had sought anticipatory bail from this Court by filing BAIL APPLN.37/2010, which was disposed of vide order dated 22.01.2010 while granting her interim protection of one week and giving her liberty to surrender herself before the Court, and this itself indicates that the petitioner had not abused the legal process. He further states that effective from 22.01.2010, the petitioner appeared on various dates before the learned Additional Sessions Judge for seeking regular bail, which was ultimately rejected vide order dated 03.03.2010. He urges that having regard to the averments made in the complaint, it is a fit case where the petitioner ought to be enlarged on bail as the allegations levelled in the complaint do not make out a case against the petitioner under Section 304B IPC.

4. A status report has been filed by the learned APP for the State, wherein it is stated that Mr. Manish Kumar, son-in-law of the complainant and Mr. Tej Singh, father of Mr. Manish Kumar were arrested in this case on 10.08.2009 and 19.08.2009 respectively and ever since, they have remained in judicial custody. Mr. Dheeraj Singh, the other co-accused was arrested on 21.10.2009, but was released on bail on the basis of the orders of the High Court dated 14.10.2009 passed in BAIL APPLN. 1994/2009. It is further stated by the learned APP that specific allegations of torturing the deceased have been made against the accused persons and the matter is now fixed on 08.09.2010 for recording of the prosecution evidence and the material witnesses are yet to be examined.

5. Having perused the FIR as a whole, this Court is unable to persuade itself to agree with the submission made by the counsel for the

petitioner that no specific allegation has been levelled against the petitioner in the complaint. Having regard to the fact that the complainant belongs to a rural background and resides in District Alwar, Rajasthan, he is not expected to be so literate as to mention in detail each and every event which led to his daughter committing suicide and to assign a specific role to each of the accused, including the petitioner. It would also be unreasonable to read the FIR in a piecemeal fashion. A reading of the FIR as a whole indicates that specific allegations have been levelled against Mr.Manish, his father and mother (petitioner herein). That Mr. Dheeraj (*Taya Sasur*) of the deceased daughter of the complainant was granted anticipatory bail vide order dated 14.10.2009 was mainly for the reason that he was residing separately, away from the matrimonial house of the deceased daughter of the complainant. Hence no parity can be sought by the petitioner with Mr.Dheeraj's case. It is not the case of the petitioner that the deceased, Ms.Munesh and her husband were residing separately from the matrimonial home or that the petitioner and her husband were not cohabiting in the same residence with the deceased and her husband. The fact that the deceased committed suicide by hanging herself within a period of three years of the marriage leaving behind a helpless baby, who was about 10 months as on the date of incident and no perceivable or plausible explanation has come forth for such a young person to have extinguished her life in this manner, this Court is of the opinion that at present, the petitioner is not entitled to grant of bail. This is more so when none of the material witnesses have been examined and the matter is stated to be listed in this month of September itself for recording of the prosecution evidence.

6. For all the aforesaid reasons, the present petition is dismissed. Needless to state that the observations made hereinabove are limited to the scope of examining the relief of grant of bail to the petitioner in the present case and shall not be treated as a reflection on the merits of the case before the trial court.

SEPTEMBER 07, 2010
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(HIMA KOHLI)
JUDGE