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

+ **BAIL APPLN. 1383/2015**

ANIL NAWARIYA

..... Petitioner

Through: Mr.Javed Hashmi with Mr.Neeraj
Kumar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.M.P.Singh, APP
Insp.Mahesh Soni, P.S.Neb Sarai.

+ **BAIL APPLN. 1812/2015**

LEELA DEVI & ANR

..... Petitioner

Through: Mr.Javed Hashmi with Mr.Neeraj
Kumar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.Raghuvinder Verma, APP.
Insp.Mahesh Soni, P.S.Neb Sarai.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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14.09.2015

Both the bail applications have been heard together and are being disposed of by a common order.

The petitioners are the brother-in-law and the parents-in-law of the deceased respectively.

They have been made accused in the case instituted under Sections 304B/498A and 34 of the IPC.

The First Information Report has been lodged by the father of the deceased wherein he has expressed his suspicion that perhaps the death of the deceased was not under normal circumstances. Though the father of the deceased has alleged that the relationship of the in-laws with the deceased was strained but no specific instance has been cited by the informant about any specific overt act against the petitioners.

During the course of investigation, the mother of the deceased made a statement under Section 161 of the Code of Criminal Procedure alleging that the husband of the deceased had assaulted her for not bringing sufficient money as dowry. Be it noted that in the First Information Report, the father of the deceased has made a categorical statement that no demand was made at the time of marriage. The mother of the deceased has stated that whenever Anil Nawariya, brother-in-law used to come home, he behaved as if he were the owner of the house and always insinuated by saying that he would marry somebody who would be in government service and comes from a rich family.

Apart from such vague and general allegation that the deceased was not treated well in her matrimonial home, nothing concrete came out during the course of investigation. The investigation report further reveals that the deceased had delivered a girl child a few weeks' ago.

Perused the post mortem report furnished by the APP. In the opinion of the Doctor conducting the autopsy, the death was unlikely because of fall from the height of 3-4 stairs rather the injuries of such nature could have been caused only out of a fall from a height of one floor or above. The post mortem report refers to multiple skull fractures and fractures of left femur and other parts of the human body. The deceased was admitted in the

hospital on 19.3.2015 at the instance of the father-in-law of the deceased and she died on 26.3.2015. The discharge summary further reveals that on 26.3.2015 the deceased suffered cardio-respiratory arrest and she could not respond favourable to resuscitation measures.

It is submitted on behalf of the petitioner that the husband of the deceased is in custody.

The petitioners have joined the investigation and assure that they shall present themselves before the Investigation Agency/Investigation Officer/SHO of the concerned police station as and when required by them.

Charge sheet has already been submitted against the husband of the deceased whereas the investigation against the petitioners is still pending.

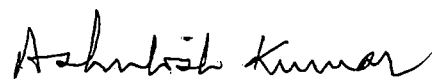
Considering the aforementioned facts, this Court is inclined to grant anticipatory bail to the petitioners.

Let the petitioners, in the event of their arrest, be released on their furnishing bond in the sum of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the Trial Court.

Needless to state that in case the petitioners default in appearing before the investigating Agency for completion of investigation against them, it would be open to the prosecuting agency to file an application for cancellation of the bail granted to the petitioner.

The bail applications are allowed and disposed of.

Dasti.


ASHUTOSH KUMAR, J

SEPTEMBER 14, 2015

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