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

+ BAIL APPLN. 2277/2016

RADHIKA

..... Petitioner

Through: Mr. Rajeev Lochan, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP SI Uma
Datt, PS-Mangol Puri, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.11.2016

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1. The petitioner has preferred the present bail application under Section 438 Cr.P.C. seeking anticipatory bail apprehending arrest in case FIR No.796/2016 under Section 304B/ 498A/ 34 IPC registered at PS – Mangolpuri.

2. At the outset, I may observe that the petitioner is the mother-in-law of the deceased. The son of the petitioner had earlier contracted a marriage and the first daughter-in-law also committed suicide. In the case instituted ~~against~~ ^{regarding} the said suicide, accused were acquitted. The two applications preferred by the petitioner under Section 438 Cr.P.C. have been rejected by the learned ASJ on 10.08.2016 and 09.09.2016.

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3. The allegations against the accused, including the petitioner, as found in the FIR made by the complainant/ grandmother of the deceased, are that the deceased Meeru was married to Raja @ Sonu, s/o Rajender in the year 2012. Raja used to beat Meeru. The parents of Raja, his mother, i.e. the petitioner, younger Bhabhi, sister-in-law, and his brother, namely Monu used to give beatings to Neeru. The husband used to flee the house after beating the deceased. The deceased had then taken refuge with the complainant. The husband was not paying maintenance to the deceased and the complainant used to provide funds to the deceased even for her domestic affairs. The petitioner allegedly told the deceased that husband of the deceased would take divorce from her and that she would get her son married once again for dowry. Upon birth of female child, the petitioner allegedly taunted the deceased.

4. The specific allegation in the FIR is that on 31.07.2016 at about 12:00 noon, the deceased came to the complainant with her daughter and went back. On 31.07.2016 in the evening, the husband of the deceased went to the complainant and informed the complainant that the deceased had hanged herself. The complainant alleged that the deceased had been beaten by her husband and sent to the complainant asking her to bring money from the complainant. She stated that she many times gave Rs.400 - 500 to the husband of the deceased. She further stated that she gave Rs.1100 to the husband of the deceased about a week ago. Even on the previous day of the making of the FIR, the husband of the deceased had asked the complainant for money. The complainant alleged that the accused harassed her granddaughter and that they were involved in the death of the deceased.

5. The order dated 09.09.2016 passed by the learned ASJ shows that copies of complaints made by the deceased as well as the settlement arrived at between the couple have been brought on record. The learned ASJ has observed that the contents of the FIR substantially find corroborated in the complaint earlier lodged by the deceased against her husband and in-laws. The role of the applicant in the commission of offence appears to be her daily routine.

6. The submission of learned counsel for the petitioner is that the petitioner is ready & willing to join the investigation. He submits that the deceased had left her two-month old child and there is nobody to look after her since the husband and father-in-law of the deceased are already in custody. The sister-in-law (Bhabhi) of the deceased is in the family way. Learned counsel further submits that on account of the earlier experience of the family, the husband of the deceased had given a complaint on 07.11.2014 to the Secretary, Delhi Legal Services Authority, Rohini Courts, Delhi stating that the wife, i.e. the deceased has threatened the husband of the deceased and his family members with false implication.

7. Ms. Kolluru submits that the petitioner had earlier been granted interim protection by the Trial Court observing that she would be given four days prior notice before her investigation. Despite issuance of such notice, the petitioner did not join the investigation.

8. Having heard learned counsel for the petitioner, the learned APP and perused the record, I am of the view that the petitioner is not entitled to any protection at this stage. The offence is serious. It is too much of

coincidence that the second daughter-in-law of the petitioner too has committed suicide. Merely because the accused in the first case (relating to suicide committed by the first wife) may have been acquitted, the commission of the suicide by the first wife cannot be ignored altogether. As observed by the learned ASJ, the complaints of the deceased have been brought on record, which are also in tune with the specific allegations made, inter alia, against the petitioner in the FIR. Since the child of the deceased is two months old, she can be looked after either by the younger daughter-in-law of the petitioner, or even by the family of the deceased. The petitioner cannot evade the process of law as sought by her.

9. Accordingly, I find no merit in this application. The same is dismissed. The petitioner is directed to surrender forthwith.


VIPIN SANGHI, J

NOVEMBER 08, 2016
B.S. Rohella