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

+ BAIL APPLN. 1440/2015

SHALU BENIWAL

..... Petitioner

Through: Mr.Javed Hashmi, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.M.P.Singh, APP.

Insp.Mahesh Soni, P.S.Saket.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.08.2015**

The petitioner is the married sister of the husband of the deceased.

In the first information report no specific overt act has been attributed against the petitioner except for a bald, general and omnibus statement that all the in-laws of the deceased troubled and harassed her for not bringing sufficient dowry.

It has been submitted on behalf of the petitioner that except for the name of the petitioner appearing in the body of the FIR and in the column of the accused persons, there is no statement with respect to the petitioner having played any proactive part in the killing of the deceased.

The mother of the deceased gave her statement under Section 161 after about two months of the lodging of the case wherein she recollected the

statement of the deceased. The deceased had told her mother that whenever her sister-in-law (petitioner) came from her matrimonial home, she used to quarrel with the deceased for not bringing sufficient dowry.

Mr.M.P.Singh, APP vehemently opposed the bail and submitted that the petitioner being the married sister-in-law instigated the entire family of the in-laws of the deceased to kill her within a period of one year from the date of her marriage. It has also been submitted on behalf of the State that because of the petitioner not joining the investigation, the proceedings have been initiated under Section 82 & 83 of the Code of Criminal Procedure.

Considering the fact that petitioner is the married sister-in-law of the deceased having a separate domicile and having married out of the household way back in the year 2012, it does not appear to be reasonable to believe the assertion, at this stage, that the petitioner played an active part in killing the deceased.

Considering the above facts, this Court is inclined to enlarge the petitioner on anticipatory bail.

In the event of arrest, the petitioner would be released on bail on her furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount to the satisfaction of the arresting officer/SHO of the concerned police station.

The petitioner would join the investigation and would not unnecessarily delay the conclusion of the investigation of this case. In case the petitioner delays the conclusion of proceedings, the prosecuting agency would be at

liberty to prefer an application for cancellation of her bail.

Application is allowed.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 18, 2015

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