

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1965/2015**

Date of Decision : October 19th, 2015

SUSHILA SHARMA Petitioner

Through: Mr.Vikas Padora and Mr.Vaibhav
Aggarwal, Adv.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr.Satya Narayan, APP with Insp.
Pawan Sharma, PS Nihal Vihar.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for the grant of regular bail in FIR No.179/2012, Police Station Nihal Vihar, under Sections 304B/120B/34 read with Section 302 of the Indian Penal Code.

2. The allegations levelled against the petitioner/accused are that on 29.08.2012 at about 09.40 a.m., a call was received by the police to the effect that the sister-in-law of the caller was trying to immolate herself. Later on, an information was received from Maharaja Agrasen Hospital that Komal Sharma wife of Jitender had been

admitted due to severe burn injuries. The victim was referred to Safdarjung Hospital. Sh. Ramdas, father of Komal Sharma made statement to the SDM that his daughter Komal used to be harassed and tortured by her husband and his relatives. He named Jinteder Sharma (husband), Sushila Sharma (mother-in-law), Neelam (Nanad) and Ved Prakash Sharma (Devar) as the accused persons who used to demand more dowry and cash from the daughter of the complainant. On the basis of statement of the complainant, FIR under Section 498A/307/34 IPC was registered.

3. On 30.09.2012, an information was received from the hospital that Komal Sharma succumbed to her burn injuries. Due to death of the deceased, penal sections 304B/302 IPC were also added in the present case. Accused Jitender Sharma and Ved Prakash surrendered before the Court on 15.09.2012. The petitioner was arrested on 25.09.2012 and Neelam was arrested on 27.09.2012. After completion of investigation, charge sheet was filed in the Court.

4. Arguments advanced by the learned counsel for the petitioner and the learned APP for the State were heard.

5. Arguments advanced by the counsel for the petitioner are that

the petitioner has already undergone about three years in judicial custody and there is no evidence against her. The evidence of public witnesses has already been recorded. It is further submitted that the petitioner is an old lady of 75 years of age; investigation is complete, all the material witnesses have been examined and there is no chance of tampering with the evidence. It is further submitted that co-accused Neelam has already been released on regular bail.

6. On the other hand, learned APP for the State opposed the bail application on the ground that the petitioner has concealed the fact of dismissal of her earlier bail application. The trial is pending and six witnesses are yet to be examined. The allegations are serious in nature as the death of the deceased has taken place within 17 months of her marriage due to burn other than normal circumstances. It is further submitted that there are specific allegations against the petitioner who is mother-in-law of the deceased for demand of dowry soon before death.

7. The record of the case reveals that the petitioner is the mother-in-law of the deceased. It is a matter of record that the petitioner is an old lady aged about 75 years. The investigation of the case is already

complete and the trial is going on. It is also matter of record that prosecution evidence is still going and conclusion of trial is likely to take time. The petitioner/accused is behind the bar for about three years.

8. In the facts and circumstances mentioned above, the petitioner/accused is admitted to bail on furnishing the personal bond in the sum of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Trial Court concerned. The petitioner is directed not to tamper with the evidence, not to influence the prosecution witnesses and shall not leave the country without prior permission of the Court concerned.

9. The application is disposed of accordingly. However, it is made clear that the observations made above shall not affect the merits of the case.

(P.S.TEJI)
JUDGE

OCTOBER 19, 2015
dd