

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1942/2015**

Date of Decision : October 09th, 2015

RAJIA BEGUM Petitioner

Through: Mr.Aakash Goel, Adv.

versus

THE STATE Respondent

Through: Ms.Manjeet Arya, APP for the State.
Mr.D.L. Dhingra, Adv. for the
complainant.

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

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1908 for the grant of anticipatory bail in FIR No.113/2015, Police Station Chandni Mahal, under Sections 302/304-B/498A/34 of the Indian Penal Code.
2. The allegations levelled against the petitioner/accused are that on 24.04.2015, an information was received in the police station vide DD No.50B. On receipt of said information, police reached LNJP Hospital where Ms.Shahin was found under treatment and she was unfit for statement. There were strangulation marks on the neck of the victim. SDM of the area was informed who recorded statement of

Smt. Tahira Begum, mother of the victim. In her statement, Smt. Tahira Begum stated that her daughter Ms. Shahin used to be harassed and tortured by the accused persons for bringing less dowry and that the husband of her daughter and in-laws tried to murder her daughter on 24.04.2015. On the statement of the complainant, FIR was registered under Section 307/498A/34 IPC.

3. During the course of investigation, Parvez Mirza and Azaz Mirza, husband and brother-in-law of the victim, respectively, were arrested whereas the petitioner-herein and another accused Zakiya Begum absconded. During treatment, the victim expired on 02.05.2015 and penal Section 302 IPC was substituted in place of Section 307 IPC. Thereafter, Section 304-B IPC was also added in the present case.

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

5. The grounds taken by the petitioner are that the petitioner is the sister-in-law (*nanad*) of the deceased. She got married on 05.04.2002 and since then living separately. The petitioner is having two sons who are school going. The petitioner never interfered in the

matrimonial life of the deceased. The allegations made are false and non-specific. On 04.09.2015, the petitioner was given interim protection by the learned Additional Sessions and thereafter, the petitioner joined and co-operated in the investigation.

6. On the other hand, learned APP for the State opposed the bail application on the ground that the petitioner is not cooperating in the investigation. It is submitted that the custodial interrogation of the petitioner is required as some call details of the mobile phone used by the petitioner are yet to be collected apart from the recovery of the mobile phone.

7. As per the facts of the present case, the petitioner is the sister-in-law (*nanad*) of the deceased. It is a matter of record that the petitioner is a married lady and has been living separately from the matrimonial house of the deceased. As per the status report filed by the State, the petitioner has joined the investigation. In this position of the matter, in the considered opinion of the Court, there is no necessity of custodial interrogation of the petitioner.

8. In the facts and circumstances mentioned above, it is hereby ordered that in the event of arrest of the petitioner/accused Rajia

Begum, she be released on bail on furnishing the personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required, shall not tamper with the evidence, shall not 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 09, 2015
dd