

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on : November 17, 2015

+ BAIL APPLN. 2234/2015
NATHU RAM

..... Petitioner

Through: Mr.Raj Kumar and Mr.Vinod Charan,
Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Ashish Dutta, Additional Public
Prosecutor for the State with Sub-
Inspector Ajay Kumar, PS Dabri.

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

JUDGMENT

P.S.TEJI, J.

1. The petitioner has filed the present bail application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for seeking bail in a case registered under FIR No.641/2015 under Section 302/304-B/306/34 of Indian Penal Code, Police Station Dabri, Delhi.

2. The facts as stated by the Srichand Gupta, the father of the deceased Renu which led to registration of the FIR are that the marriage of his daughter was solemnised in the year 2008 with Yogesh Gupta with the consent of both parties, as per Hindu rites and

ceremonies. It is alleged that on 31.7.2014 at about 5 PM, Yogesh, the husband of deceased – Renu called the complainant stating that Renu is not well and they are taking her to Safdarjang Hospital and when the complainant reached at Hospital the doctors told that Renu had expired. It is further alleged that when the father of deceased asked from Yogesh and his family members about his health, then they informed that Renu was ill from 7-8 days. It is further alleged that on asking from the father-in-law of deceased – Renu, as to whether any treatment was provided to Renu, and asked to show the treatment papers, if any, then the petitioner flared and stated that he had not given her treatment and do what you want to do. It is also alleged that the health of the Renu was not well and the parents-in-law have not taken due care of Renu and dragged her in the situation where she died in suffocation.

3. Mr. Raj Kumar, Advocate appears on behalf of the petitioner and submits that the FIR of the case was registered on the statement of father of the deceased and even as per statement of the complainant, the deceased Renu never complained about her parents-in-law. It is also contended that there has never been any complaint of

any quarrel by the deceased or her parents, in six years of marriage between the deceased and her husband.

4. It is further contended that there is no explanation of delay in registering the FIR of about 11 months, after date of taking the statement of the father of the deceased. Also, there is no specific averment against the petitioner that he had demanded dowry soon before the death of the deceased.

5. Counsel for the petitioner also submitted that the police has not inquired from the Safdarjung Hospital whether deceased was alive or brought dead and no document of treatment of deceased during the procedure of saving her life was collected from the hospital.

6. It is further contended by counsel for the petitioner that the case of the petitioner is on the same footing as of the other accused persons, who have been granted bail by the learned Additional Sessions Judge. It is informed that the investigation of the case is complete and the charge sheet has been filed in the case.

7. It is further submitted that there is no possibility of tampering with the prosecution evidence by the petitioner as all the witnesses are the family members of the deceased and police officers. It is also

contended on behalf of the petitioner that the alleged incident is natural and not committed due to any external reasons, and even no injury was found on the body of the deceased.

8. At last, counsel for the petitioner contended that petitioner is aged about 70 years and has deep roots in the society and is a permanent resident of Delhi, therefore, there is no possibility of fleeing away from the trial. The petitioner is stated to be falsely implicated in the case and in judicial custody since the date of arrest, i.e., 20.05.2015. It is further submitted that the trial of the case will take time, therefore, the petitioner ought to be granted bail in the aforesaid case.

9. Mr. Ashish Dutta, Additional Public Prosecutor for the State vehemently opposed the aforesaid contentions raised by counsel for the petitioner.

10. I have heard the submissions made by learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

11. After hearing the submissions of counsel for the petitioner and the learned Additional Public Prosecutor for the State, this court is of the opinion that the case of the petitioner cannot be put at par with

other co-accused who have already been granted bail, as according to the post mortem report, death of deceased is homicidal in nature and due to cardiac arrest on account of assault given on her chest. This court is of the considered opinion that the petitioner happens to be the father-in-law of the deceased, who alleged to have been responsible for the dowry death due to the bodily injury due to cardiac arrest on account of assault given on her chest and alternatively the petitioner has been charged with the offence punishable under Section 302 of IPC. Since the trial is at initial stage and the tampering of the evidence cannot be ruled out, therefore, this court is of the considered opinion that the petitioner does not deserve the concession of bail in this case, at this stage.

12. In view of the aforesaid, the present petition is dismissed. However, it goes without saying that any observation made in the aforesaid order shall not affect the merits of the case.

13. With aforesaid directions, the present application is disposed of.

(P.S.TEJI)
JUDGE

NOVEMBER 17, 2015
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