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

+ BAIL APPLN. 312/2016

ANIL

..... Petitioner

Through: Mr.Tanvir Quiser and Mr.Kaptan
Singh, Advocate.

versus

THE STATE N.C.T OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with Insp.Om Prakash, PS
Khyala

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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03.03.2016

1. The petitioner has filed the present bail application under Section 439 Cr.P.C. seeking regular bail in case FIR No.823/2014 under Sections 498-A/304-B/34 IPC, PS Khyala, Delhi.
2. Status report has been filed by the State.
3. I have heard learned counsel for the petitioner as well as learned APP for the State and carefully gone through the record.
4. The petitioner is husband of the deceased Sadhna who committed suicide within six months of her marriage.
5. Learned counsel for the petitioner has submitted that the witnesses examined so far have not stated about any dowry demand being made either before or after the marriage or soon before the death of Sadhna. It has been further submitted that the deceased committed suicide and there being no evidence against the petitioner for making any dowry demand or causing

death of Sadhna, he should not have been charged and if not discharged, he should have been granted bail.

6. The order framing charge against the petitioner for committing the offence punishable under Section 498-A/304-B IPC has not been challenged by the petitioner. It is not for this Court to appreciate the testimony of the witnesses examined during trial as the same is required to be done by the learned Trial Court at the appropriate stage.

7. The ingredient of offence Under Section 304B is not mere demand of dowry but "cruelty or harassment" for or in connection with demand of dowry.

8. Suffice it to note that deceased has committed suicide within six months of her marriage and there are accusations of dowry demand. The bail application of mother-in-law of the deceased i.e. mother of the present petitioner has already been dismissed by this Court vide order dated 04.08.2015 in Bail Application No.1577/2015 by observing as under:-

“This FIR has been registered on the complaint of the father of the victim. The victim Sadhna had been married to Anil (the son of the petitioner) on 02.05.2014. She had died within less than 6 months of her marriage. She had died by hanging in the matrimonial home. The statement of the father (on the basis of which the FIR has been registered) states that the petitioner, her son and husband used to harass her for not bringing gold chain and ring in the marriage. Dowry demands have been detailed in the statement of the father. Learned counsel for the petitioner submits that there is not proximity of the cruelty meted out to the victim with the alleged demands raised by the petitioner and her family. This submission cannot be answered at this stage. Charges have been framed but the witnesses are yet to come into the witness box. The charges are heinous. Admittedly the victim had died in the matrimonial home where the petitioner along with her son and husband are residing.

At this stage, no ground is made for bail. Dismissed.”

9. Considering the facts and circumstances of the case and the nature of the accusations against the petitioner i.e. dowry demand, I do not find it to be a fit case to enlarge the petitioner on bail. Prayer rejected.
10. The bail application is dismissed.
11. The observation made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

PRATIBHA RANI, J.

MARCH 03, 2016

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