

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

+ **Bail Application No.1156/2016 & Crl.M.A. No.9161/2016**

Date of Decision : July 11th, 2016

SMT. MAYA DEVI Petitioner
Through: Mr.R.P. Kasana, Adv.

versus

THE STATE Respondent
Through: Mr.Amit Chadha, APP for the State.

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

P.S.TEJI, J (Oral)

Crl.M.A. No.9161/2016

1. Exemption allowed subject to just exceptions.

Bail Application No.1156/2016

2. The present bail application has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of bail to the petitioner till the final disposal of the case bearing FIR No.466/2014 registered under Section 498-A/304B/34 of the Indian Penal Code (IPC) at Police Station New Friends Colony. The petitioner is in judicial custody since 29.10.2014.

3. The facts as narrated by learned counsel for the petitioner are within the narrow compass. Learned counsel for the petitioner has

Signature Not Verified submitted that the petitioner Ms.Maya Devi was the mother-in-law
Digitally Signed
By:AMULYA

3

of the deceased Ms.Preeti. It is stated that an FIR was registered by the police on the recommendation of SDM and that the author of the FIR was the father of the deceased Ms.Preeti. It transpires from the record that the marriage between Ms.Preeti with Mr.Sumit was solemnized on 20th November, 2013 and a huge amount was spent in the marriage apart from other dowry articles and a car. The complainant had alleged that on 23rd October, 2014 in the night at about 10.00 -10.30 p.m., Preeti (deceased) had talked with him over the phone and she seemed happy and wished Diwali to everyone. The complainant had also stated that it did not appear to him that his daughter would commit suicide on the following day. The complainant had requested that the death of his daughter be investigated. In the FIR lodged by the complainant, it was alleged that the complainant had suspicion that his daughter Preeti had not committed suicide and that her in-laws were involved in her death. It was also alleged in FIR/D.D. No.9A that before the festival of Karvachauth, Preeti made a phone call that on Karvachauth, clothes and other articles for all her in-laws were given as per her asking. It was further alleged that on 7th October, 2014, Preeti and Sumit came with all the articles stating that these items were deficient and also informed that mother-in-law and jeth of Preeti

4

had demanded Rs.20,000/- which the complainant somehow arranged on the same day.

4. It is submitted by learned counsel for the petitioner that there is no direct allegation against the petitioner for demand of dowry & harassment. It is next submitted by learned counsel for the petitioner that the petitioner had been falsely implicated in this case and that the Court of learned ASJ, Saket, vide order dated 14th May, 2016, dismissed the bail application of the petitioner.

5. It is further contended by learned counsel for the petitioner that the charge sheet in this case has been filed and the case is at the stage of prosecution evidence. It is submitted that even the material witnesses have already been examined who have not supported the case of the prosecution against the petitioner. It is further submitted that out of six accused persons, two accused namely Mohit & Swati had already been discharged in the case vide order dated 13th July, 2015 and two co-accused namely Shri Ram Kishan (father-in-law) and Sudhir Kumar (Jeth), have been granted regular bail by the learned ASJ vide orders dated 23rd February, 2015 & 12th February, 2016 respectively.

6. Learned Additional Public Prosecutor for the State, on the other hand, opposed grant of bail on the ground that the allegations

5

against the petitioner are serious in nature and that there is involvement of the petitioner in the death of Ms.Preeti-the daughter of the complainant. It is submitted that as per the status report filed by the State, on 24th October, 2014, a PCR call was received regarding hanging. The dead body of Priti was kept on the ground near the bed and ligature marks were found on her neck. There was no external injury on the body of the deceased. It is further stated that the post mortem report of deceased Priti was obtained and doctor opined cause of death as "asphyxia due to ante mortem hanging". The experts of FSL, Rohini opined that hanging could be possible with Chunni found on the spot and the ligature mark mentioned in the post-mortem report could be caused by the Chunni.

7. I have heard the submissions of learned counsel appearing on behalf of the petitioner as well as the submissions of learned Additional Public Prosecutor for the State and also gone through the material placed on record.

8. To decide the present bail application, what the Court is required to see is, as to whether a prima facie case is made out for grant of bail to the petitioner or not.

9. It appears that there were no specific allegations against the

petitioner for harassment of dowry and that the only allegation against the petitioner is that she had demanded Rs.20,000/- and slapped Preeti (deceased), who is the daughter of the complainant. It is an admitted position that there was no complaint by the deceased or her family members to the police regarding harassment or demand of dowry by the petitioner or any other person soon before the alleged incident. It is also an admitted case of the prosecution that the other co-accused were either discharged or granted regular bail.

10. There are a large number of cases of this Court in which the question of parity in the matters of bail has been considered earlier and the weight of judicial authority is in favour of the principle of parity being followed.

11. In light of the facts and circumstances of the present case, this Court is inclined to grant bail to the petitioner – Smt. Maya Devi in the present case subject to her furnishing personal bond in the sum of Rs.25,000/- with two sureties of the like amount, to the satisfaction of the Trial Court. 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.

7

12. Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

13. With aforesaid directions, the present bail application stands disposed of.

Dasti.


(P.S. TEJI)
JUDGE

JULY 11th, 2016

aa