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

+ **BAIL APPLN. 1169/2016**

POOJA

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Advocate
with Mr. Sumit Chaudhary and
Mr. Kanwar Kochhar,
Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Kewal Singh Ahuja, APP
for the State with Inspector
Ajay Sharma, PS Mahender
Park.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.08.2016

1. By the present petition the petitioner seeks anticipatory bail in case FIR No. 122/2016 under Sections 498A/304B/34 IPC registered at PS Mahendra Park, Delhi.

2. Learned counsel for the petitioner submits that though there is allegedly a dying declaration with the prosecution however, the same is false and fabricated for the reason the allegations are levelled against the husband of the petitioner as well who is living abroad in Bahrain and has not returned to the country since 25th May, 2014. The deceased has even implicated the minor members of her husband's family. The petitioner is a married lady looking after her two children aged 15 years and 12 years in the absence of

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her husband who is living abroad and earning for the family. The deceased and the petitioner were living on separate floors with separate kitchens and thus there was no conflict between two of them.

3. Learned APP for the State has taken me through the FIR and the status report. In terms of the order of this Court dated 14th July, 2016 an additional status report has also been filed. As per the status report the husband of the petitioner had not visited Delhi after he went to Bahrain on 25th May, 2014.

4. The cause of death was due to asphyxia due to ante mortem hanging. As per the suicide note allegedly recovered from the spot, allegations are against the petitioner and the husband of the deceased. It is noted that her husband was having an affair with his sister-in-law, that is, the petitioner herein who used to instigate her husband to beat her. It is also alleged that the husband of the petitioner used to act on the directions of his sister in law and that after killing her they would get her husband re-married and get huge dowry. In the suicide note it is also alleged that the husband of the petitioner used to state that the daughter of the deceased would be kept in an orphanage.

5. As noted above the husband of the petitioner has not visited the country after 24th May, 2014 whereas the daughter of the deceased was born in January, 2016. As per the CDR of the phone of the deceased husband of the petitioner never spoke to the deceased. Thus prima facie by the suicide note exaggeration is reflected. Both the petitioner and the deceased were living on separate floors with their separate kitchens. The petitioner has to look after two minor children of her in the absence of her husband, who is

aboard. The petitioner has already joined the investigation. Considering the facts and circumstances, I deem it fit to grant anticipatory bail to the petitioner.

6. It is, therefore, directed that in the event of arrest the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that she will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

AUGUST 08, 2016
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