

\$~8

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

+ BAIL APPLN. 1944/2016

DINESH

..... Petitioner

Represented by: Mr. P.R. Chopra with Mr. S.K. Sinha, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP with Dr. Ajit Kumar Singla, DCP/NE, Mr. Shashank Jaiswal, ACP/Seelampur, Insp. Ram Avtar, SHO/Seelampur, Insp. Harish Kukreti, Legal Cell/NE & SI Nakun, PS Seelampur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.12.2016

%

1. By the present petition, the petitioner seeks bail in case FIR No.344/2013 under Sections 498A/304B IPC registered at PS Seelampur.
2. Despite notice being issued on 23rd September, 2016 returnable for 28th November, 2016, no status report had been filed and thus this Court was constrained to summon the DCP/North East who is present in Court. A detailed status report has also been filed.
3. The above noted FIR was registered pursuant to an information received vide DD No.26A on 11th August, 2013 regarding suicide committed by a woman in the jurisdiction of police station Seelampur. Mrs. Deepa was declared brought dead when taken to the hospital with the

alleged history of hanging. Statement of mother of Deepa was recorded wherein she alleged that the petitioner was cruel to the Deepa and demanded dowry. It is also alleged that after two months of marriage, the petitioner also poured kerosene oil on Deepak but she managed to save herself. The cause of death was opined to be asphyxia as a result of anti-mortem hanging.

4. The petitioner was married to Deepa on the same date when his brother Ravi Kumar married Jyoti, the sister of Deepa. Ravi Kumar and Jyoti have also appeared in the witness box as PW-3 and PW-4 respectively. From the testimony of these two witnesses, it is apparent that the main allegation against the petitioner is that after intoxication he would inflict cruelty on Deepa including physical assault resulting in day to day quarrels between the couple. Even in the statement of Jyoti, the only allegation of dowry demand is of motorcycle for which no date or month has been specified. The prosecution has cited as many as eleven witnesses out of which seven witnesses i.e. all material witnesses have been examined and only four formal witnesses have to be examined.

5. The petitioner has been in custody since 12th August, 2013. PW-6 was examined way back on 5th January, 2015 whereafter PW-7 Maya Devi the maker of the FIR was examined and cross-examination was deferred on 12th October, 2015. The witness could not be cross-examined as there was no Sessions Judge posted in North-East District. Even on the last date i.e. 7th December, 2016, no witness has been examined.

6. Considering the fact that all material witnesses have been examined and the petitioner is languishing in jail for more than one year for cross-examination of Maya Devi, this Court deems it fit to grant bail to the petitioner. It is thus directed that the petitioner be released on bail on his

furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount, subject to the satisfaction of learned Trial Court, further subject to the condition that he will not influence the witnesses and leave the country without prior permission of the learned Trial Court.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

DECEMBER 19, 2016
‘v mittal’