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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1946/2016**
MADHU BALA SHARMA

..... Petitioner

Through: Ms.Geeta Luthra, Sr. Advocate with
Ms.Parul Sharma, Ms.Shivani Luthra
Lohiya and Mr.Ujjwal Jain,
Advocates.

versus

STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for State.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
09.11.2016

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This is an application under Section 439 read with Section 482 Cr.P.C. filed on behalf of the petitioner for grant of regular bail in case FIR No.402/2014, under Sections 498-A/302/34 IPC, registered at Police Station Swaroop Nagar, Delhi.

Learned senior counsel appearing for the petitioner has submitted that the victim got married on 6th February, 2006. Learned senior counsel has further submitted that the incident had taken place on 23rd August, 2014 at A-88, Nathupura, Delhi where the victim was residing with her husband, mother-in-law (petitioner herein) and father-in-law Shri Prabhu Lal Sharma. It is further submitted on behalf of the petitioner that the incident had taken place due to taking of poisonous substance by the deceased herself owing to her personal reasons. Learned senior counsel further submits that the father-

in-law of the deceased has already been released on regular bail by the Court of Sessions vide order dated 10th June, 2016. She further submits that the petitioner is in judicial custody since 29th August, 2014. Learned senior counsel further submits that the petitioner is an old lady aged about 55 years and suffering from diabetes and hypertension and there is nobody in the family to look after the minor children, namely, Govind and Vanshika aged 6 years and 3 years. Learned senior counsel has further submitted that after the death of the victim the children are being looked after by the parents at the aforesaid address and submitted that on the ground of parity the present petitioner may also be released on regular bail.

On the other hand, learned APP for the State vehemently opposes the grant of bail to the petitioner and submitted that there is a specific allegation in the FIR to the effect that the victim was beaten by the mother-in-law, father-in-law and the husband at their house and she was forcibly given the poison, resulting into, the death of the victim. However, learned APP for the State submits that the father-in-law of the deceased has already been released on bail by the Court of Sessions vide order dated 6th June, 2016 and the minor children are presently in the custody of the father-in-law at the parental house.

The facts emerging in the instant application on the basis of arguments advanced by the learned counsel for the parties and relevant available record are that the incident had taken place on 23rd August, 2014 at House No.A-88, Nathupura, Delhi and that the minor children, namely, Govind and Vanshika aged 6 years and 3 years respectively are presently in the custody of the grandfather who is residing at the aforesaid address. The parties do not dispute the fact that the father-in-law of the deceased has

already been released on bail by the Court of Sessions vide order dated 10th June, 2016.

The petitioner herein is the mother-in-law of the deceased and is in judicial custody since 29th August, 2016. The petitioner herein is not required for further investigation in the instant case. The trial of the case is stated to be in progress and likely to take considerable time in its conclusion. So far, 14 material witnesses out of total 34 witnesses have been examined.

Accordingly, looking into the facts and circumstances of the case as the husband of the present petitioner has also been released on regular bail and the allegations qua against the present petitioner too are similar in nature, consequently, on the ground of parity, I deem it appropriate to grant bail to the petitioner, on her furnishing bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Court below, subject to the condition that:-

- (i) The petitioner shall not leave the country without prior permission of the Court concerned;
- (ii) The petitioner shall not tamper with the remaining prosecution evidence in any manner.
- (iii) This order shall not affect the merits of the case.

The application stands disposed of in the above terms.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

NOVEMBER 09, 2016

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