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

+ **BAIL APPLN. 2733/2015**

VINAY TIWARI

..... Petitioner

Represented by: **Mr. Brajesh Kumar Singh with
Mr. Kumar Datta, Advs.**

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: **Mr. Kewal Singh Ahuja, APP
with Mr. Dinesh Kumar, ACP/
Madhu Vihar and Insp. Jagdish
Yadav, PS Mandawali.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.08.2016

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1. By the present petition, the petitioner seeks regular bail in case FIR No.543/2009 under Section 304B IPC registered at PS Mandawali.
2. Learned counsel for the petitioner contends that even as per the status and the dying declaration of the deceased, no harassment for demand of dowry was caused by the petitioner. The incident took place when she was boiling milk for the child and stove exploded. She categorically stated that no one was responsible for the alleged incident. The petitioner has prayed that he be released on bail.
3. No doubt, the deceased Rakhi, wife of the petitioner in her MLC gave history of burns due to bursting of cooking stove accidentally at 4.30 pm and even in her statement recorded by the Executive Magistrate, Preet Vihar she

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did not level allegations against anybody and stated that she got burnt accidentally. However, the investigation reveals that on inspection of the crime scene, burnt clothes, some burnt/unburnt match sticks, plastic bottle of one litter containing kerosene and a gas cylinder (5 Kg) fitted with burner were found. No kerosene stove was found which could have bursted and thus the version of the deceased was not forthcoming. Though the incident took place on 30th October, 2008, the parents of Rakhi were not informed by the petitioner and only on 19th November, 2008 Rakhi informed her parents through one Ghanshyam's phone while she was admitted in LNJP Hospital. Thereafter, complaints were given by the father of the deceased and his statement was also recorded on 26th November, 2008. A letter written by an advocate as dictated by Rakhi was also dispatched which was addressed to Hon'ble the Chief Justice, Delhi High Court wherein allegations were levelled against demand of dowry and harassment. As per the statement of the complainant, on 30th October, 2008 on the occasion of Bhaiya Dooj her Jeth Udai Tiwari, Father-in-law Subhash Tiwari and Mother-in-law Amrawati Devi came and asked her to go outside as they wanted to discuss something. After they left and she was getting ready to visit her brother, while she was changing her clothes, the petitioner poured kerosene oil on her and set her ablaze. When she tried to escape, he restrained her by hitting her with a danda. She alleged that her parents were never informed who were residing near the hospital and in the meantime, her husband handed over her daughter to some unknown person who took her to Jammu. Under the threat of her husband, she gave the statement that the fire was accidental due to bursting of stove.

4. The petitioner could not be arrested initially and proceedings under Section 82 Cr.PC were initiated whereafter he surrendered to custody on 27th July, 2015. The Trial is in progress. 8 witnesses have been partly examined and examined.
5. Considering the facts of the case as noted above, at this stage, I find no reason to grant bail to the petitioner.
6. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 12, 2016
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