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

+ BAIL APPLN. 2715/2015

BAKSHI RAM

..... Petitioner

Represented by: Mr. R.D. Vats and Mr. Balram
Tyagi, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP for
State with Insp. Ravi Shankar, PS-Uttam Nagar.
Mr. Jagvir Bhadana, Adv. for the complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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11.01.2016

1. By way of the present petition filed under Section 439 Cr.P.C., petitioner seeks grant of bail in case FIR no. 461/2015, registered at PS-Uttam Nagar for the offences punishable under Sections 498A/304B/34 IPC.
2. The case against the petitioner was registered on the complaint of Sh. Ved Prakash, father of the deceased, namely Ms. Poonam, wherein he stated that his daughter was married with Sunil Bakshi, son of the petitioner on 28.01.2012. After marriage, in-laws of his daughter used to harass his daughter. He further stated that three months before, when his daughter had given birth to a male child, her in-laws demanded a vehicle, which he could not fulfil and because of this, her in-laws killed her daughter by giving poison. It was further stated that his daughter has been killed by five

persons, i.e., husband, father and mother-in-law and brother and sister-in-law of the deceased.

3. The statement of mother of the deceased was also recorded wherein she stated that after the marriage of her daughter, her in-laws used to harass her and demand money. When her daughter had given birth to a male child, her in-laws had demanded a vehicle, which they could not fulfil and for the said reason, they killed her daughter by administering poison. She further stated that on two occasions, she had given Rs.50,000/- and Rs.12,000/- to her daughter, despite, her daughter has been killed by her in-laws.

4. Ld. Counsel appearing on behalf of the petitioner submits that the marriage had taken place on 28.01.2012 and alleged incident is of 30.03.2015. The deceased and the son of the petitioner were living happily and a male child was born out of the said wedlock on 02.09.2014. There was no demand of dowry or money and no specific role was assigned to the petitioner. Moreover, as per the MLC, there is no injury mark on the body of the deceased and even there is no force while administering the poison and the petitioner is in custody since 06.06.2015.

5. He further submitted that two co-accused, i.e., the son-in-law and the daughter of the petitioner were granted bail vide the orders of Court of Sessions on 28.08.2015 and 10.09.2015 respectively.

6. On the other hand, ld. APP appearing on behalf of the State submits that FSL report has confirmed the presence of '*Chlorpyrifos*' (*an organo phosphorous pesticide*)' in exhibits '1A', '1B', '1C', '2' and '3'. She further submits that there has been a demand of dowry from the deceased

and the petitioner had also played an active role in harassing the deceased. Moreover, the other two co-accused were granted bail on the ground that they were staying separately whereas the deceased was staying with the petitioner.

7. She further submits that statements of father and mother of the deceased corroborates the allegations made in the FIR. The case is at the stage of the trial and the petitioner may influence the witnesses. Therefore, he may not be released on bail at this stage.

8. Admittedly, after investigation, the police had filed the chargesheet and the case is pending for framing of charge. The container of the substance which was found in the stomach of the deceased was recovered at the instance of the husband of the deceased and the specific allegations are against the husband and mother-in-law of the deceased, however, there is no role assigned to the petitioner. Moreover, the prosecution at this stage relying upon the confessional statement made by the husband of the deceased. Admittedly, there was no complaint whatsoever against the petitioner prior to the incident in question.

9. Keeping in view the role assigned to the petitioner and the fact that the petitioner is in custody since 06.06.2015, I hereby deem it appropriate to admit the petitioner on bail.

10. Accordingly, the petitioner shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

11. Accordingly, the petition is allowed.

12. *Dasti.*

SURESH KAIT, J

JANUARY 11, 2016

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