

\$~6

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 20/2016

RAJENDER

..... Petitioner

Through

Mr.Ashok Thagal, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Mr. Akshai Malik, APP for the State
along with SI Kunal Kishore.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

05.01.2016

Crl.M.A.No.90/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

BAIL APPLN. 20/2016

Petitioner is seeking anticipatory protection. FIR has been registered under Sections 498/306/34 of the IPC on the statement made by the victim i.e. Pooja who had pursuant to burn injuries suffered by her on 18.11.2015 had succumbed to her death on 24.11.2015. FIR has been registered on her statement.

Learned counsel for the petitioner submits that the role delineated to the present petitioner is only a one line statement in the end of the statement of the victim; he was living separately and not in the same place where the victim was residing with her husband. There is in fact a property dispute between the present petitioner and his

brother Devender (husband of the victim). He is the only bread earner in his family. He is entitled to benefit of anticipatory protection.

Needless to state that these arguments have been refuted. Learned APP for the State has drawn attention of this Court to the statement made by the victim who was treated as a dying declaration pursuant to which the FIR was registered. The role attributed to the present petitioner who was initially living with the victim and her husband in the same accommodation where the present petitioner is presently residing; thereafter the victim along with her husband about three month ago had shifted to a rented accommodation. Apart from the role attributed by the victim to the present petitioner, the statements of the parents of the victim recorded one day after i.e. on 19.11.2015 (recorded by the SDM) have also been perused.

The role attributed to the present petitioner is clear. No ground for anticipatory protection as the offence is serious is made out. Dismissed.

INDERMEET KAUR, J

JANUARY 05, 2016

ndn