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

+ **BAIL APPLN. 7/2017**

NISHA

..... Petitioner

Represented by: Mr. B.S. Rana, Mr. Satyam
Sisodia and Mr. Nitish Kumar,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with Inspector
Dheeraj Singh, PS Narela.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.02.2017

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1. By the present petition the petitioner seeks anticipatory bail in case Fir No.45/2008 under Sections 306/34 IPC registered at PS Narela, Delhi.
2. On 24th October, 2007 the husband of the petitioner was admitted after sustaining injuries from falling from the roof and was declared brought dead by the doctors.
3. An alleged suicide notice was recovered from the clothes of the deceased wherein the deceased held the petitioner, i.e. his wife and her family members responsible for his suicide. On the complaint of brother-in-law of the petitioner FIR was registered on 29th January, 2008 i.e. after more than three months.
4. The said suicide note was sent to the FSL expert for opinion regarding the hand writing of the deceased on the suicide note. The opinion was received on 31st July, 2013. Even after receiving the opinion of the expert

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in July, 2013 only two notices for appearance were given to the petitioner in 2014 whereafter according to the learned APP for the State, ten times search was made for apprehending the petitioner at her native place however, she was not available.

5. Admittedly the incident took place on 24th October, 2007. The case of the prosecution is based on the suicide note left by the deceased which is a documentary evidence. No custodial interrogation of the petitioner is required for recovery of any article.

6. Considering the facts and circumstances of the case and particularly the fact that the allegations of the deceased in the suicide note were that the petitioner was harassing him with no specific date of harassment being mentioned and the marriage between the parties lasting for nearly 1½ years and that the FIR was registered in the year 2008, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that she will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned. In case of change of the address, the same will be intimated by the learned Trial Court by way of an affidavit.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 20, 2017/‘vn’

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