

S~13&14

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

+ BAIL APPLN. 209/2017

SUMITRA DEVI

..... Petitioner

Represented by: Mr. Sameer Dewan, Adv.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Amit PS Mangolpuri.

+ BAIL APPLN. 219/2017

ARJUN

..... Petitioner

Represented by: Mr. Sameer Dewan, Adv.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Amit PS Mangolpuri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.04.2017

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By these two petitions the petitioners who are the mother-in-law and father-in-law of the deceased Shagun seek anticipatory bail in case FIR No.851/2016 under Sections 406/498A/304B/34 IPC registered at PS Mangolpuri on the complaint of father of the deceased Shagun.

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Learned counsel for the petitioner submits that even as per the case of the prosecution the petitioners were not residing with the deceased and her husband for the last five months and were living separately. Moreover the allegations against the petitioners of taunting and harassing the deceased were vague and general in nature. The petitioners were not arrested during the course of investigation as nothing was to be recovered from them. Hence their custody during the course of trial is not warranted. It is thus prayed that the petitioners be granted anticipatory bail.

Learned APPs for the State on the other hand submits that the deceased was married to the son of the petitioner namely Arun in May 2011 whereafter they were living together with the petitioners, however since April, 2016 Arun and Shagun shifted to another accommodation which was given by the employer of Arun. Hence for five months prior to the date of death of Shagun, the parties were not living together. They further state that since no recovery was to be made from the petitioners, they were not arrested, however the allegations in the statement of the witnesses including that of the father of the deceased clearly show the role of the petitioners for harassing the deceased for demand of dowry. Hence the anticipatory bail applications are opposed.

DD No.34A was recorded at PS Mangolpuri on 24th August, 2016 pursuant to an information received from Bhagwan Mahavir Hospital about the admission of Shagun w/o Arun. On 25th August, 2016 it was informed that Shagun had passed away during the treatment. Since the marriage between Arun and Shagun took place in May 2011 and 7 years post-marriage has not been completed, statement of the family members of the

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deceased were recorded by the SDM. The father of the deceased Shagun namely Jaglal Nishal stated that his daughter Ajori @ Shagun was married to Arun in May 2011. In the marriage Arun and his parents demanded ₹25,000/- in cash, one motorcycle, one gold ring and one gold chain. He gave all the items except the motorcycle. However, after the marriage Arun and his parents used to taunt Shagun and harass her. It is alleged that Arun used to beat Shagun with belt and all her jewellery and clothes were kept by her parents-in-law. Further allegation of the complainant in the FIR is that the mobile phone of Shagun was snatched and thus she could not talk to her parents. Mother of Shagun gave her another mobile phone from which she could talk to her parents. As per the statement of the father of the deceased on the intervening night of 25th and 26th August, 2016 they received a call from Arun calling them immediately to Delhi and were later informed that Shagun had died.

As noted above, the allegations against the petitioners are of demand of ₹25,000/- in cash, one motorcycle, one gold ring and one chain at the time of marriage out of which a motorcycle was not given. Further allegations are that the parents-in-law used to taunt and harass Shagun which are vague and general in nature with no specific time given. Even as per the prosecution case five months before the death of Shagun, she had shifted with her husband Arun to a separate accommodation and thus the two petitioners were not residing with Shagun and Arun at the time of her death.

Prima facie in view of the evidence on record and the fact that the petitioners were not living with the deceased and her husband for the last nearly five months and thus there was very less likelihood of their harassing

and taunting her on day-to-day basis, this Court deems it fit to grant anticipatory bail to the petitioners. It is therefore directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety each of the like amount to the satisfaction of the Arresting Officer/ SIO concerned/ Trial Court, further subject to the condition that they will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned. In case the petitioners change their residential address, the same will be intimated to the Trial Court by way of affidavits.

Petitions are disposed of. Order dasti.


MUKTA GUPTA, J.

APRIL 13, 2017
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