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

+ **BAIL APPLN. 290/2017**

SMT KAMLA

..... Petitioner

Through: Mr.Bal Kishan, Adv.

versus

STATE (GOVT PF NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
S.I. Amit Kumar, P.S. South Campus

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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18.05.2017

This is an application filed on behalf of the petitioner seeking grant of anticipatory bail in case FIR No.284/2016, under Sections 498-A/306/34 IPC, registered at Police Station- South Campus.

Learned counsel for the petitioner submits that the petitioner is apprehending his arrest in the aforementioned FIR. He further submits that petitioner is the mother of Shiva Shera, who got married with deceased Pooja on 19.10.2015 in Delhi. He further submits that there was an inter-caste marriage and no demand of dowry during the existence of the marriage was ever raised. He further submits that there is no complaint prior to the commission of suicide by the deceased Pooja on 02.08.2016. He further submits that the husband of the deceased Pooja namely Shiva Shera is right now in J.C. He further submits that the deceased Pooja died at the house of her parents bearing No.238, Satya Niketan, New Delhi. He further submits

that being mother of husband of deceased Pooja there is no role for commission of the suicide or there is any part on her behalf for instigation to commit suicide and there is no material evidence to base the same. He also submits that after the death of deceased Pooja the mother of the deceased made a false complaint, which resulted into registration of the aforementioned FIR. He further submits that the petitioner is ready to join investigation and prays that the petitioner be granted anticipatory bail.

On the other hand, learned APP for the State vehemently opposes the bail application, while submitting that the deceased died unnatural death within a period of one year and there is allegation qua against the present petitioner and prays that the bail application be rejected.

Heard.

Perused.

What is emerging on the record is that the husband of the deceased Pooja namely Shiva Shera is already in J.C. Admittedly, the petitioner is the mother of husband of the deceased Pooja and the deceased died not at her matrimonial home but she died at her parental home and the alleged marriage is stated to be inter-case marriage and also nothing is to be recovered at the instance of the petitioner, in these circumstances the petitioner is directed to join the investigation and in the event of her arrest, the petitioner be released on anticipatory bail on her furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of IO/SHO concerned with the condition that the petitioner shall not influence the prosecution witnesses; the petitioner shall not tamper the prosecution evidence and the petitioner should not leave India without prior permission of the Court below.

The present bail application is allowed and disposed of accordingly.
However, this order shall not affect the merit of the case.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 18, 2017/km