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

+ **BAIL APPLN. 304/2017**

HEMRAJ

..... Petitioner

Through Mr. Aditya Wadhwa and Mr. Raj
Mohan Gupta, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through Ms. Manjeet Arya, APP for State
SI Bangali Babu, PS Mayur Vihar
Mr. Ashok Gurmani, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.09.2017

Learned counsel for the petitioner submits that the petitioner's wife committed suicide after 7½ years of marriage as she was having suicidal tendencies. Petitioner had written a letter to SHO P.S. Mayur Vihar on 25.04.2014 categorically stating therein that his wife used to quarrel with him and his parents and used to threaten that she would commit suicide. The deceased committed suicide after two years of the said complaint, on 07.09.2016.

It is submitted that the grievance of the father of the deceased shown

in the FIR is that the petitioner was liquor addict and used to demand money for drinking and also used to beat his daughter.

Deceased committed suicide by consuming poison. FSL report has been received. Statement of minor son of the petitioner under Section 164 Cr.P.C. was got recorded, while petitioner was in jail. In his statement he has stated that his mother used to beat his father. Petitioner is in jail for about one year. It is submitted that the petitioner may be admitted to bail.

Learned APP, assisted by learned counsel for the complainant, has opposed grant of bail to the petitioner. It is submitted that injuries were found on the person of the deceased. Daughter of the deceased, in her statement under Section 164 Cr.P.C. has stated that on the fateful day a quarrel took place between the deceased and the petitioner. She has also stated that petitioner had beaten the deceased. As per post-mortem report, one abrasion was found on the face and one was found on the cheek of the deceased. It is submitted that the petitioner demanded dowry from the deceased.

Learned counsel for the petitioner has contended that in the MLC no injury has been shown. It is further contended that there are no allegations of the demand of dowry by the petitioner. It is submitted that even daughter

of the deceased in her statement under Section 164 Cr.P.C. has stated that her mother hit her head on the wall and her father went out of the house. It is further submitted that the petitioner had moved the deceased to hospital and got her admitted there. The deceased died the next day.

Learned counsel for the petitioner submits that the charge sheet has been filed under Section 306 IPC and not under Section 302 IPC .

Keeping in mind the totality of circumstances, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J

SEPTEMBER 01, 2017

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