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

+ **BAIL APPLN. 435/2017**

ANIL

..... Petitioner

Through Mr.Khalil A. Ansari and Mr.Sunil
Sagar, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr.M.S. Oberoi, APP with Insp.
Rajesh Kumar, PS Nangloi.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **10.03.2017**

CrI.M.A. 4136/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 435/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.59/2017, under Sections 498A/304B/34 IPC, Police Station Nangloi.

As per FIR, the allegations levelled are that the marriage of the deceased Darshana was solemnized with Rakesh on 09.07.2011. The complainant has alleged that in the marriage, she had given dowry. The deceased was residing at her matrimonial home with her husband Rakesh, father-in-law Dilbagh Singh and brother-in-law (devar) Anil. A boy was born from the said wedlock. After 2-3 months, marriage

of brother-in-law of the deceased, namely, Anil was solemnized. Thereafter, husband and father-in-law of the deceased demanded gold rings for entire family and Maruti car and when said demands were not fulfilled, accused Rakesh, Dilbagh and Anil started taunting and harassing the deceased. Accused Rakesh after consuming alcohol used to give beatings to the deceased. The deceased used to tell her mother on phone about the same. When the deceased was harassed too much, the complainant agreed to give Rs.50,000/- for motorcycle to accused Rakesh. The deceased used to come to her parental home and informed about the harassment meted out to her. On 24-25.02.2016, the deceased informed her mother that all the accused persons were harassing her and were demanding the money for motorcycle. On 26.02.2017 at about 11-11.15 a.m., the complainant received a phone call from accused Rakesh that the deceased had hanged herself. When complainant reached the matrimonial home of deceased, the deceased was already removed to mortuary.

Argument advanced by the learned counsel for the petitioner is that as per complaint made by the complainant, the first demand of dowry does not figure the name of the accused/petitioner. It is further submitted that the petitioner is residing at about 60 kilometres from the matrimonial home of the deceased and the work place of the petitioner is also about 50 kilometres from the said house. It is further submitted that the petitioner has been falsely implicated in the present case. In support of his contentions, he has relied upon an order dated 09.10.2015 passed by this Court in the case bearing ***Bail Appln. No.1942/2015, titled Rajia Begum v. The State.***

On the other hand, learned APP for the State has opposed the bail application on the ground that there are specific allegations against the petitioner/accused with regard to demand of dowry and harassment meted out to the deceased. The name of the petitioner has figures in the complaint made by the complainant to the police and in the FIR. It is submitted that the husband and father-in-law of the deceased are already in judicial custody. It is submitted that the petitioner does not deserve the concession of bail in view of specific allegations against him.

From the complaint made by the complainant and the FIR of the instant case, it is apparent that there are specific allegations against the accused/petitioner that he along with co-accused persons had been harassing the deceased on account of demand of dowry. It is specifically alleged that on 24-25.02.2016, the deceased informed her mother that all the accused persons including the petitioner-herein had been harassing her and demanding money for the motorcycle.

It is pertinent to mention that the present case is a case of dowry death in which the deceased committed suicide due to continuous harassment meted out to her on account of demand of dowry by all the accused persons. The allegations levelled in the present case are serious in nature.

In view of the aforementioned facts and circumstances and the seriousness of allegations, this Court is not inclined to grant anticipatory bail to the accused/petitioner.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated

hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Application is accordingly dismissed.

P.S.TEJI, J

MARCH 10, 2017
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