

S-5 & 19

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

+ BAIL APPLN. 430/2017 and Crl. M.A. 4099/2017

TARUN SAGAR

..... Petitioner

Through: Ms. Smirit Asmija and Ms. Mahima
Chaudhary, Advocates

versus

STATE

..... Respondent

Through: Mr Rajesh Mahajan, ASC for State with
Insp. Jawahar Singh, PS Bharat Nagar

+ W.P.(CRL) 435/2017

TARUN SAGAR

..... Petitioner

Through: Ms. Smirit Asmija and Ms. Mahima
Chaudhary, Advocates

versus

STATE & ORS

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State with
Insp. Jawahar Singh, PS Bharat Nagar

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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22.05.2017

Crl. M.A. 4099/2017 (Exemption) in Bail Appl. 430/2017

Allowed subject to just exceptions.

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Shivangi, the deceased, was married to Vipin Sagar

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in September 2016. She committed suicide by hanging on 16.11.2016. FIR no.499/16 was registered in police station Bharat Nagar for investigation into offences allegedly committed under Sections 498A, 304 B, 34 IPC.

The petitioner in both these connected matters is the elder brother of Vipin, husband of the deceased. Allegations against him in the FIR registered on the basis of statement of Shivangi, brother of the deceased, primarily are that he was party to the design to coerce her to bring valuable gifts from her matrimonial home.

The petitioner, on the other hand, claims that he had a separate residence on the upper floor of the property and that he had nothing to do with the life of his brother he having levelled allegations against him to the effect he (Vipin) had been engaged in affair with Shivangi out of his own choice seemingly against protests by the family, engaging her in sexual relationship even before marriage, rendering her pregnant with a child and against such backdrop having first eloped with her, also stealing valuables from his own house, and thereafter being constrained on account of pregnancy before marriage entering into formal marriage ceremonies with Shivangi in September 2016.

The fact that Shivangi was pregnant with a child possibly prior to her marriage, seems to be *prima facie* confirmed by certain findings in the post-mortem examination, the report dated 17.11.2016 whereof has been perused from the case diary presented by the investigating officer. The fact that the petitioner and Vipin, husband

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of the deceased were not on good terms is supported by copy of an intimation lodged by the petitioner on 01.09.2016 with SHO PS Bharat Nagar about Vipin having run away with his fiance taking with him certain gold jewellery and cash Rs.2 Lakh from the house of the petitioner, the said report stated to have resulted in DD entry no.39B having been logged in police station Bharat Nagar on 01.09.2016.

Against the above backdrop, the petitioner deserves due protection in the matter of bail.

By the writ petition, WP (Crl.) 435/2017, the petitioner has expressed certain grievances as to the manner in which the investigation has been undertaken by the local police. Having perused the status report submitted in that context, however, this court finds no reason to doubt the impartiality of the investigating police officer. There is no cause for any directions on the said writ petition including in the nature of transfer of the investigation at this stage.

Thus, while WP(Crl.) 435/2017 is dismissed, the bail application no.430/2017 is allowed. It is directed that in the event of the petitioner being arrested in case FIR No.499/2016 under Sections 498A/304B/34 IPC of police station Bharat Nagar, he shall be released on bail on he furnishing a personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the arresting officer subject to the conditions that he shall cooperate with the investigation and join the same as and when called upon to do so and shall not come in contact with or try to influence any of the

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witnesses connected to the case.

It is made clear that this order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

Dasti.



R.K. GAUBA, J

MAY 22, 2017

Yg

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