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

+ BAIL APPLN. 510/2017

GOKUL PRASHAD

..... Petitioner

Through: Mr. Avinash Lakhanpal, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Gupta, APP for State with
SI Surender, P.S. Begumpur.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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08.08.2017

Learned counsel for the petitioner submits that petitioner is father-in-law of deceased. Nothing incriminating against the petitioner has come in the statements of the prosecution witnesses recorded in court, inasmuch as their testimony stands impeached in their cross-examination. In their cross-examination, none of the witnesses have stated that ₹10 lacs were demanded by the petitioner from the deceased or her relatives. Mother of the deceased, that is, PW13 has admitted in her cross-examination that during her visit on 30th June, 2014 everything looked normal. PW13 has also admitted that she remained in touch with the deceased on phone from 30th June, 2014 but no complaint was made by her. In the FIR, it is alleged that the TV, Fridge, AC and Washing Machine were demanded from the father

of the deceased during the reception, in the presence of Mansa Ram. However, Mansa Ram has deposed that he was not present in the reception. Petitioner was not even present in the house at the time when deceased had died. Petitioner's son was present in the house. Friend of deceased Ms.Priyanka has deposed that on 10th July, 2014 she talked to the deceased on phone and at that time co-accused Inderjeet was present with the deceased. Deceased suspected that her husband Inderjeet was having an affair with one Akanksha which resulted in her death. Petitioner was released on interim bail from time to time and has never misused the concession granted to him. Petitioner is in jail for about 3 years. Therefore, he may be admitted to bail.

Learned APP has opposed the grant of bail to petitioner. It is submitted that the petitioner has been specifically named in the FIR as the person, who had demanded ₹10 lacs on 19th May, 2014. PW13 has reiterated her this version in her statement recorded in the Court. Petitioner had earlier filed two bail applications in this Court but the same were withdrawn on 7th January, 2016 and 31st August, 2016 respectively. The evidence recorded by the trial court cannot be scrutinized in detail so as to test the veracity of their version, at the stage of hearing of the bail

application. Broadly, prosecution witnesses have supported the prosecution case in their examination-in-chief. Deceased has died in the matrimonial house, where petitioner had also been living. As per the post-mortem report, she died due to asphyxia as a result of drowning. Injuries were also found on the person of deceased's husband. Charge under Section 302 IPC has also been framed against the co-accused.

I have considered the rival contentions of the parties and perused the statement of the witnesses placed on record. In my view, their testimony cannot be scrutinized meticulously at this stage, so as to test the veracity of their version. PW13 is the mother of deceased. She has categorically stated that ₹10 lacs were demanded by the petitioner on 19th May, 2014. Deceased has died in mysterious circumstances in her matrimonial home.

Keeping in mind the totality of the circumstances, bail application is dismissed.

A.K. PATHAK, J.

AUGUST 08, 2017
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