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

+ **BAIL APPLN. 614/2017**

NITIN

..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Advocate
with Mr. Manu Sharma and
Ms. Ridhima Mandhav,
Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP for
the State with Inspector Rajesh
Kumar and SI Sandeep Sharma,
PS Vasant Kunj, North.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.05.2017

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1. By this bail application the petitioner seeks bail in case FIR No. 782/2014 under Sections 498A/302/304B/34 IPC registered at PS Vasant Kunj, North, Delhi.

2. The FIR was initially registered on the statement of wife of the petitioner under Sections 498A/307/34 IPC on 17th September, 2014 wherein the complainant, who later died, stated that she was married to the petitioner three years prior to the incident and from the wedlock one son was born. She stated that her father-in-law used to torture her for demand of dowry and used to state that he was an officer in Tihar Jail and nobody could

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do anything to him. She alleged that on the date of incident she had a quarrel with the mother-in-law on a minor issue who started abusing her and called the father-in-law. The father-in-law thereafter cut her wrist with the blade, brought kerosene oil, poured on her and lit her. She ran towards bathroom and fell down there. Hearing her cries neighbours came and put cloth on her and took her to the hospital.

3. The only role assigned to the petitioner in the FIR is that when her father-in-law used to torture her for demand of dowry, the petitioner did not cooperate with the complainant. Later the deceased succumbed to the injuries on 22nd September, 2014 and thus Sections 302/304B/34 IPC were also added. Charge sheet has since been filed.

4. As per the status report the case of the prosecution itself is that at the time when the incident took place resulting in the death of the deceased, the petitioner was at his hotel which fact had been verified from the CCTV footage and in this regard statement of PW-5, the Chief Security Officer of the hotel Taj Vivanta has also been recorded.

5. The petitioner has been in custody since 17th September, 2014 and out of 45 witnesses to be examined by the prosecution only 12 witnesses have been examined of which two are the father and brother of the deceased.

6. Considering the nature of allegations and the fact that during the course of investigation it was found that the petitioner was not present at the spot at the relevant time and was on duty and also the fact that he has been in custody for now more than 2½ years, this Court deems it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one

surety of the like amount, subject to the satisfaction of the learned Trial Court with a further condition that the petitioner will not leave the country without prior permission of the Court concerned and in case of change of address, the same will be duly intimated to the learned Trial Court by way of an affidavit.

7. Bail application is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

MAY 01, 2017

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