

11#, 12# & 13# \$~

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

+ **BAIL APPLN. 1570/2016**

SAMREEN BEGUM @ RANI

..... Petitioner

Represented by: Mr. Vishal Chaudhary and Mr.
Ashok Babu, Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
for the State with Inspector
Sanwar Mal and Inspector
Yogesh Malhotra,
SHO/Khajuri Khas.

+ **BAIL APPLN. 1978/2016**

GUDIYA

..... Petitioner

Represented by: Mr. Vishal Chaudhary and Mr.
Ashok Babu, Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP for the
State with Inspector Sanwar
Mal and Inspector Yogesh
Malhotra, SHO/Khajuri Khas.

+ **BAIL APPLN. 2039/2016**

MEHMOODA

..... Petitioner

Represented by: Mr. Vishal Chaudhary and Mr.
Ashok Babu, Advocates.

versus

STATE

..... Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with Inspector Sanwar
Mal and Inspector Yogesh
Malhotra, SHO/Khajuri Khas.

BAIL APPLN. 1570/2016, 1978/2016 & 2039/2016

Page 1 of 5

5

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
20.01.2017

%

1. The petitioners Samreen Begum @ Rani and Gudiya are the sisters-in-law of the deceased Naeema @ Zeba and the petitioner Mehmooda was her mother-in-law.

2. FIR No. 424/2016 under Sections 498A/304B/376/34 IPC was registered after an information was received on 24th May, 2016 regarding "hanging by a woman in C Block, Gali No. 7, Third Floor, Shri Ram Colony" at PS Khajuri Khas vide DD No. 32B on 24th May, 2016 at 10.56 AM. Naeema @ Zeba aged 19 years was found hanging from the ceiling fan through the chunni which was used as a ligature. Since the marriage between Naeema @ Zeba and her husband Danish was less than seven years, statement of the family members of Naeema @ Zeba was recorded by the Executive Magistrate, Seelampur Shri N.K. Meena.

3. Naseema, the mother of the deceased informed that she had married Naeema @ Zeba with Danish on 24th January, 2016 and the alliance for the marriage was settled four months before that. It is alleged that three-four weeks after the settlement of the marriage, Danish came to the house when Naeema @ Zeba was alone and forcefully committed rape on her. Thereafter he repeated the offence two-four more times and then he refused to marry her. A complaint was lodged on 30th October, 2015 with the SHO whereafter marriage between the two was performed. The complainant suspected the character of Danish and stated that he was unfair to her and

6

had killed her. She also stated that the persons responsible for the death of her daughter were Danish, Nacem, Mahmooda, Rani, father, mother and sister respectively of Danish, Rustam, husband of Rani, Guddu, brother -in-law of Danish and Gudiya, sister-in law of the deceased and thus sought strict action. She stated that all these persons tortured her. Danish extended threats to the deceased that if she complained, he would divorce her.

4. It is further alleged that on 23rd May, 2016 at about 9.30 AM her daughter called her up on the phone and told "please take me, he is beating me and putting restriction upon me to talk to you". On hearing this Nascema went to Naeema @ Zeba's matrimonial home at about 4.00 PM. When she was trying to bring the deceased at her parental home, Danish pushed her away. It is further alleged that Rani and Danish pushed Naeema @ Zeba and told that she would go only as dead or divorced. She was insulted and beaten. She further stated that her daughter had never come back to her parental home after the marriage and Danish always demanded dowry.

5. Learned counsel for the petitioner contends that Rani is the married sister-in-law of the deceased and was living in a separate matrimonial home. Further at the time when the alleged incident took place she was pregnant and has now delivered a child on 17th December, 2016. As regards Mehmooda and Gudiya, they were residents of House No.B-200, Khasra No.700/701, Uttaranchal Colony, Behta, Hazipur, Loni, Ghaziabad, U.P. An affidavit of landlord of the premises Zahid Ali has also been filed in this regard.

7

6. On a notice being issued status reports have been filed. Learned APPs for the State vehemently opposes the anticipatory bail applications. A perusal of the FIR as noted above shows that the allegations against Mehbooba and Gudiya are that the persons responsible for her death are Danish, Nacem, Mehmooba, Rani, Rustom, Gudiya and Guddu. No specific role has been attributed to either Mehmooda or Gudiya. Further statement of Zahid Ali has also been recorded during the course of investigation under Section 161 Cr.P.C. who stated that on 10th March, 2016 he had given the above noted premises, which is two storyed, at Behta, Hazipur, Loni to Smt. Seema and her husband and had entered into a rental agreement with her. On the ground floor of the said house Seema and her husband were staying and on the first floor Nacem and Mehmooda and their daughter were staying, though he had not entered into an agreement with them in this regard.

7. Considering the allegations against Mehmooda and Gudiya and also the fact that they were living separately from the deceased at the relevant time this Court deems it fit to grant anticipatory bail to them.

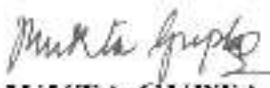
8. As regards Samreen @ Rani is concerned, no doubt specific role of pushing her and not permitting Nacema @ Zeba to accompany the mother of the deceased when she came to take her on 23rd May, 2016 has been assigned, the fact that Samreen @ Rani is the married sister-in-law and has given birth to a child on 17th December, 2016 has been verified. Considering the fact that Rani has a small child to look after, this Court deems it fit to grant her anticipatory bail.

8

9. Consequently, in the event of arrest the petitioners be released on bail on their furnishing personal bond in the sum of ₹25,000/- each with one surety of the like amount each subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that they will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned.

10. Petitions are disposed of.

11. Order dasti.


MUKTA GUPTA, J.

JANUARY 20, 2017
'vn'