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

+ **BAIL APPLN. 1704/2016**

ASHIMA

..... Petitioner

Represented by: Mr. Sunil K. Mittal with Mr.
Kshitij Mittal, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Ravi Nayak, APP with
Insp. T.R. Meena and Insp.
Kishan Kumar and SI Niranjana,
PS Bhajanpura.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.02.2017

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No.477/2016 under Sections 498A/304B/34 IPC registered at PS Bhajanpura. Petitioner is the wife of elder brother of the husband of the deceased Meenakshi.

2. The above noted FIR was registered on the complaint of Narender Singh, father of deceased who alleged that his daughter Meenakshi aged 30 years was married to Sachin 5 years ago as per Hindu rites and customs. At the time of marriage during engagement ceremony, as per demands of parents of the groom, he gave ₹2100/- per person to 65 people. During the marriage, on the request of parents of the groom and the present petitioner, arrangements were made at Mandap Jeet Farm House, approximately three kilometres away from his village wherein the complainant spent ₹6 lakhs.

It is further alleged that before marriage during engagement, various gold articles were given besides ₹16 lakhs for purchase of a car and ₹40,000/- for Milai. After the marriage it was revealed to her daughter that her husband used to get other girls at night on which the complainant's wife made her understand that in some time everything will be fine and she should keep quiet and solve this problem on her own. The deceased was also advised to look after the child. It is alleged that the deceased was harassed by her husband, mother-in-law, sister-in-law and the present petitioner, who used to help the husband in his misdeeds. It is further alleged that the in-laws used to beat and harass the deceased. In the complaint it is stated that after the birth of son of the deceased, the in-laws pressurized him to give ₹8 lakhs for purchase of a car and the complainant bought a Amaze car in his name and took the same to the village. Thereafter, they again pressurized him through his daughter and took money. On 30th June, 2016 at about 2.00-2.30 PM, the husband of the deceased called the complainant's son and told him that the deceased had died after hanging herself.

3. Thus, the two sets of allegations against the petitioner are that at the time of marriage, it was insisted that the arrangement should be made at Mandap Jeet Farm House which caused the complainant to spend ₹6 lakhs and that the petitioner along with others harassed the deceased and used to help the husband of the deceased in his misdeeds.

4. When this petition came up for hearing, learned counsel for the petitioner pointed out that since the husband of the petitioner was employed outside, she had to live frequently reside away from the matrimonial home during the life span of the deceased in her matrimonial house.

5. A status report has been filed. As per the status report, the marriage

of the deceased and Sachin took place in May, 2011 and from 30th April, 2011 to 30th October, 2011 the petitioner had shifted with her husband in a rented accommodation at Village Narera Kalan, Tehsil Bahrar, District Alwar, Rajasthan since her husband was pursuing a residential programme for MBA at NIIT Campus, Neemrana, Rajasthan. Thereafter, from 1st November, 2011 to 31st January, 2012 the petitioner stayed at the matrimonial home on the second floor and from 1st February, 2012 to 30th October, 2012 the petitioner was staying at her parental home whereafter she joined her husband at a rented accommodation at Andheri East, Mumbai from 1st November, 2012 to 14th May, 2014. It is stated that from 15th April, 2014 till the date of death of the deceased, the petitioner was at her matrimonial home.

6. It is thus apparent that for initial three years of married life of the deceased, the petitioner had mostly stayed away from the matrimonial home. The petitioner has two minor children to look after, one being the newborn baby born on 17th August, 2016.

7. Considering the nature of allegations and the fact that the petitioner has to look after two minor children, this Court deems it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of arrest, the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner 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. In case of change of residential address, the petitioner will inform the same to the learned Trial Court by way of an

affidavit.

8. Petition is disposed of.

9. Order dasti.

FEBRUARY 15, 2017
‘v mittal’

MUKTA GUPTA, J.