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

+ BAIL APPLN. 1155/2017

MR. ABID ALI HASSAN

..... Petitioner

Through: Mr.Sidharth Aggarwal, Ms.Simon
Benjamin and Mr.Faraz Maqbool,
Advocates.

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with Insp. Hari Krishan, PS
Hazrat Nizamuddin Railway Station.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

03.08.2017

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1. The petitioner has filed the instant application under Section 439 Cr.P.C. seeking bail in case FIR No.158/2014 under Section 498-A/304-B/302 IPC, PS Sarai Rohilla Railway Station, Delhi.

2. Mr.Sidharth Aggarwal, learned counsel for the petitioner has submitted that Shamma Parveen got married to younger son of the petitioner on 17th March, 2012. Out of the said wedlock, twins were born on 9th May, 2013. While the girl child was living with the mother i.e. the deceased, the baby boy, who was suffering from serious ailment, was living with the grandparents. Learned counsel for the petitioner has submitted that Shamma Parveen - daughter-in-law of the petitioner, died on a railway track. Prior to her death, she had been residing in Delhi alongwith her husband and daughter. The son of the deceased was being taken care of by the petitioner and his wife. Learned counsel for the petitioner has highlighted the role

attributed to the petitioner, who is father-in-law of the deceased. The allegations against the father-in-law are that he and his wife used to instigate his son (husband of the deceased) to give her beatings and that the deceased was being harassed by her husband and in-laws on account of demand of dowry.

3. Learned counsel for the petitioner has also placed on record the copy of the order dated 21st April, 2015 passed in Bail Appln. No.596/2015 whereby this Court while granting anticipatory bail to Rahishan (mother-in-law), Gulshan (sister-in-law/Nanad) and Sajid (brother-in-law/jeth), declined the prayer of the petitioner herein namely Abid Ali Hassan seeking anticipatory bail, for the following reason:-

‘17. However, I am not inclined to grant any relief to petitioner No.3 (Abid Hassan) at this stage since the Panchayat is stated to have taken place at the village, and his involvement is also disclosed in the FIR itself.’

4. Learned counsel for the petitioner submits that the petitioner is in custody since 21st May, 2015. Even as per the prosecution case, at the time of unnatural death of Shamma Parveen on the railway track, she was living with her husband in Delhi and not with her in-laws at their native place in Village Shahpur Khiri, PS Sihorha, District Bijnor, U.P. Learned counsel for the petitioner has prayed for grant of bail to the petitioner.

5. Taking into consideration that the petitioner is in custody for more than two years, the children of the deceased Shamma Parveen are also being looked after by the wife and other family members of the petitioner, the deceased was allegedly not living with her in-law for about three months prior to the date when she was found dead on the railway track within the

jurisdiction of PS Sarai Rohilla, the petitioner is admitted to bail on his furnishing personal bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of learned Trial Court/Link Court subject to the condition that he will not try to contact/influence the witnesses in any manner whatsoever.

6. Bail application is allowed.
7. As prayed copy of the order be given dasti to learned counsel for the petitioner.
8. A copy of the order be also sent to the concerned Jail Superintendent for information.

PRATIBHA RANI, J.

AUGUST 03, 2017

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