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

+ BAIL APPLN. 2464/2016 & CrI.M.A. 18766/2016

SHARVAN KUMAR GOEL

..... Petitioner

Represented by: Mr. A.K. Bajpai with Mr.
Prakash Gupta, Advs.

versus

GOVT. OF NCT DELHI & ORS.

..... Respondent

Represented by: Mr. Amit Ahlawat APP with
ASI Jhabar Mal, Div/West.
Mr. Abhijeet Bhagat, Adv. for
complainant.

+ BAIL APPLN. 2519/2016 & CrI.M.A. 19167/2016

POORAN MAL GOEL

..... Petitioner

Represented by: Mr. A.K. Bajpai with Mr.
Prakash Gupta, Advs.

versus

GOVT. OF N.C.T.D. & ORS.

..... Respondent

Represented by: Ms. Rajni Gupta APP with ASI
Jhabar Mal, Div/West.
Mr. Abhijeet Bhagat, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.01.2017

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1. By the present petition, the petitioners who are the brothers of deceased Manoj Kumar Goel seek anticipatory bail in case FIR No.602/2015 under Sections 306/120B IPC registered at PS Moti Nagar pursuant to directions under Section 156(3) Cr.P.C. by the learned Metropolitan Magistrate.

2. The brief background of the matter. On 10th August, 2009 Manoj Goel committed suicide by pouring kerosene oil on his body and setting himself on fire. ASI Preet Pal Singh recorded statement of Manoj Kumar Goel, his wife Neelam Goel and the petitioners. Manoj Kumar Goel stated that he poured the kerosene oil on himself due to depression and family members. Later on 11th August, 2009 Manoj Kumar Goel passed away. In the inquest proceedings conducted no foul play was found. On 2nd September, 2011 i.e. after more than 2 years, the wife of deceased Smt. Neelam Goel filed a complaint before the learned Metropolitan Magistrate seeking directions for registration of FIR under Section 156 Cr.PC. on the strength of a suicide note allegedly written by Manoj Kumar Goel. In the said complaint case, on 29th June, 2015, the learned Metropolitan magistrate directed registration of FIR. Thus, the petitioners preferred anticipatory bail apprehending their arrest before the learned Additional Sessions Judge on dismissal whereof the present petitions have been preferred.

3. In the suicide note which was according to the wife of the deceased duly signed by the deceased it was mentioned that the elder brothers of the deceased were not returning his ₹1 lakh, refrigerator, ring nor his share in the house. Thus due to these two persons, he was committing suicide. In the suicide note it was also written that his shop should be with his wife and whatever amount is received from the share of the house and the LIC should be paid to his wife. He also prayed for action against these two petitioners.

4. During course of investigation, the suicide note and the admitted handwriting of the deceased collected from the bank was sent to the FSL which opined that there was similarity in the two handwritings. In view of this fact, the learned Additional Sessions Judge dismissed the anticipatory

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bail applications of the petitioners.

5. Admittedly the suicide note was not recovered immediately after the death and was presented by the wife of the deceased before the Court only after two years of the incident. In the year 2012, the parties had entered into a settlement with respect to the share in the properties etc. and the complainant agreed to withdraw all civil suits and complaints filed by her. Moreover, the allegations even in the suicide note are that the petitioners were not returning his ₹1 lakh, refrigerator, ring nor giving his share in the house. Without commenting whether the same would amount to abetment of suicide or not, this Court is of the considered opinion that at this stage this is a fit case for grant of anticipatory bail. It is therefore directed that in the event of arrest, the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25000/- each with one surety each of the like amount to the satisfaction of the Arresting officer/SHO concerned, further subject to the condition that the petitioners will join the investigation as and when directed and will not leave the Country without prior permission of the Court concerned.

6. Petitions and applications are disposed of.

7. Order dasti.


MUKTA GUPTA, J.

JANUARY 25, 2017
'v mittal'