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

+ **BAIL APPLN. 1403/2017**

ASHISH & ANR

..... Petitioners

Represented by: Mr. Kunal Sharma, Advocate.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with Inspector R.L.
Meena, PS Mehrauli.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.11.2017

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1. By this petition the petitioners Ashish @ Deepu and Vishal @ Sonu seek anticipatory bail in case FIR No. 138/2017 under Sections 498A/304B/34 IPC registered at PS Mehrauli, Delhi.

2. The allegations of the complainant Om Prakash in the FIR are that he had married his daughter Sudha with Rohit, the brother of the two petitioners herein. According to Om Prakash, the marriage took place on 16th November, 2016 and he spent money beyond his capacity. He had given a motorcycle in dowry. On 12th January, 2017 Om Prakash along with son Subhash Kumar had gone to the matrimonial home of his daughter Sudha where he got to know that Rohit, husband of the deceased had beaten her. He saw the injuries on the neck of Sudha. Seeing the condition of his daughter, he brought back Sudha to his house however, after 13 days Rohit,

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Ashish @ Deepu and Prem Lata took Sudha back to the matrimonial home. According to him Sudha could not talk on phone properly because she was scared of her in laws. It is also alleged that Ramesh Kumar and Sonu used to beat Sudha for getting less dowry and that Sudha was upset due to the circumstances created. It is further alleged that Rohit, Deepu, Sonu, Ramesh, Prem Lata were responsible for the death of the deceased.

3. As per the post-mortem report Sudha died due to ante mortem hanging. No doubt Sudha died within three months of the marriage however, the allegations against petitioner No.1 Ashish @ Deepu are that he along with his brother and mother took back Sudha to the matrimonial home and then in a general statement it has been stated that everyone is responsible for the death of Sudha. Further in respect of Vishal @ Sonu though it is stated that he beat Sudha for bringing less dowry but no date or specific instance has been narrated.

4. Further learned APP for the State on instructions submits that Sudha and her husband were living separately on the upper floor in the matrimonial home with a separate mess whereas the father-in-law and mother-in-law and the other brother-in-law Sonu were residing in the other floor with a separate mess. Ashish @ Deepu with his family lives in a separate accommodation though near the matrimonial home.

5. Considering the facts and circumstances and the allegations as stated in the FIR, this Court deems it fit to grant anticipatory bail to the petitioners. It is therefore, directed that 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 the petitioners will join the investigation and will not leave the country without prior permission of this Court.

6. Petition is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 27, 2017
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