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

+ BAIL APPLN. 2586/2016 & CRL.M.(Bail) 2221/2016

SUNIL KUMAR

..... Petitioner

Through: Mr.KTS Tulsi, Sr. Adv. with Mr.Raj
Kamal and Ms.Pallavi Malhotra,
Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Raghuvinder Varma, APP for
State with Inspector Mukesh Kumar,
PS-Sangam Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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23.02.2017

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of regular bail in case FIR No.349/2016, under Sections 498-A/304-B/34 IPC, registered at Police Station-Sangam Vihar, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.349/2016, under Sections 498-A/304-B/34 IPC, registered at Police Station-Sangam Vihar, Delhi is false. He submits that the deceased Jyoti committed suicide at her matrimonial house No.K-80, JJ Camp, Tigri, New Delhi. He further submits that the petitioner is the husband of the deceased Jyoti. He has further submitted that it would not be out of place to mention here that it was the petitioner who took the deceased to the hospital where she was declared

dead. He has further submitted that as per viscera report, no poison is given and there is no foul play on the part of the petitioner. He has further submitted that as a husband, the petitioner did his duty by taking his wife/deceased Joyti to the hospital. He has further submitted that during the investigation, nothing has been recovered at the instance of the petitioner and there is no iota of evidence qua against the present petitioner. Counsel for the petitioner further submits that investigation has already been completed and the charge sheet has already been filed. He further submits that the petitioner is in judicial custody since 08.06.2016 and not required for further investigation in the present case. He has further submitted that trial is not likely to conclude in near future and the continued incarceration of the petitioner will not serve any purpose and prays that the petitioner be released on regular bail.

On the other hand, learned APP for the State has vehemently opposed the bail application and has submitted that the allegations levelled against the petitioner are very serious in nature. He further submits that the petitioner may influence the witnesses during trial, if released on bail.

It is an admitted case of both the parties that the petitioner right now is in judicial custody since 08.06.2016. What is emerging from the arguments as well as the facts on record is that the FIR has been registered on the statement of mother of the deceased. The deceased died at her matrimonial house No.K-80, JJ Camp, Tigri, New Delhi. The mother of the deceased is resident of village Rajakpur, Distt & PO Amroha, Uttar Pradesh and she came to Delhi on being informed by family members of the petitioner. The petitioner immediately took the deceased to the hospital where she was declared dead. As per viscera report, no poison is given to the deceased. The post-mortem

report does not show any external injury to attribute the physical violence qua against the present petitioner or his family members at the matrimonial house. The investigation has already been completed and the petitioner is stated to be in judicial custody since 08.06.2016. No purpose would be served if the petitioner is kept in judicial custody as the trial is likely to take some time. Consequently, the petitioner is granted bail on his furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Court below with the condition that he shall not influence the prosecution witnesses; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

The present bail application is allowed and disposed of accordingly. However, this order shall not affect the merit of the case.

All pending application(s) (if any) also stand disposed of.

Copy of the order be given *dasti*, as prayed.

I.S.MEHTA, J

FEBRUARY 23, 2017/radhika