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

+ **BAIL APPLN. 3/2017**

RAJESHWARI

..... Petitioner

Through: Mr.Aquib Ali, Adv.

versus

STATE

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
SI Arun Kumar, PS-Ghazipur
Mr.Azhar Qayum, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **15.09.2017**

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.245/2016, under Sections 498-A/304-B/34 IPC, registered at Police Station-Gazipur, Delhi.

Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and she is an innocent person and allegations alleged in the aforesaid FIR is false. Counsel for the petitioner further submits that the petitioner is in judicial custody since 18.05.2016 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 has further submitted that the petitioner is the mother-in-law of the deceased and was residing in the same house where the incident took place. He has further submitted that FIR No.245/2016, under Sections 498-A/304-B/34 IPC was registered at Police Station-Gazipur, Delhi on the basis of statement of father of deceased Mr.Jagpal Singh. He has further submitted that before the incident, the victim (now deceased) herself registered FIR No.22/2015, under Sections 323/341 IPC wherein there is a specific allegation that the victim (now deceased) was beaten by her husband. Learned APP for State has further submitted the petitioner was living with the deceased at the relevant point of time and the petitioner got married in the year 2013 and the incident has taken place in the year 2016. Learned APP has further submitted that there is specific allegations in the FIR that the petitioner gave beatings on 03.05.2016 and the deceased died on 04.05.2016. He further submits that the petitioner may influence the witnesses during trial, if released on bail.

What is emerging from the arguments as well as the facts on record is that the victim (now deceased) had earlier lodged FIR No.22/2015, under Sections 323/341 IPC. It is an admitted fact coming on record that the deceased died at her matrimonial home i.e. at B-152, Harijan Basti, Kondli, Gazipur, Delhi. It is also coming on record that at the relevant point of time, the deceased was residing with her husband in the matrimonial home along with the petitioner. It is an admitted fact that the FIR is registered on the statement of father of the deceased, Mr.Jagpal Singh. In the FIR there is a specific allegation against the petitioner that the petitioner kicked on the stomach of the deceased on 03.05.2016. It is an admitted fact coming on

record that the marriage of the deceased was solemnized in the year 2013 and it is further admitted fact coming on record that the deceased died unnatural death in the matrimonial house on 04.05.2016. Since there is unnatural death and specific roll has been attributed to the petitioner, accordingly, I do not find it a fit case to grant bail to the petitioner, at this stage. Consequently the present bail application is dismissed.

The present petition is disposed of accordingly.

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

I.S.MEHTA, J

SEPTEMBER 15, 2017/sr