

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 11/2017**

Date of Decision: February 02nd, 2017

MUKESH @ MURARI Petitioner
Through Mr.Sandeep Kaushik & Mr.Montu,
Adv.

versus

STATE OF GOVT. OF NCT OF DELHI Respondent
Through Mr.Panna Lal Sharma, APP with
SI Karamvir, PS Narela.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S. TEJI, J

1. The present application has been filed under Section 439 of the Code of Criminal Procedure by the petitioner/accused for the grant of regular bail in FIR No.360/2015, under Sections 304B/498A/34 IPC, Police Station Narela.

2. The facts emerging from the records, are that the complainant Kartik had made a statement to the police that the marriage of his sister Pooja was solemnized with accused Mukesh @ Murari on 19.04.2014. The last Monday prior to filing of the complaint, his sister came to her parental home and informed that she had a quarrel with her mother-in-law, sister-in-law and husband. She also informed that her husband left her at her

parental home. On 28.03.2015, the complainant along with his family had gone to Panipat to a Jagran. At about 09.00 p.m., the complainant received a phone call from his sister that accused Mukesh had come to the house and had been quarrelling. The complainant reached his home and made the accused understand upto 01.30 a.m. but the accused kept on abusing them and left their home after extending threats to kill the sister of the complainant. In the morning, the complainant went to his office. At about 09.15 a.m., a phone call was received by the complainant from his sister Divya who was weeping and informed that Pooja was hanging from a fan. The complainant further stated that his deceased sister informed him that her husband was a characterless man. Whenever there was a quarrel between them, accused used to blame the sister of the complainant. The deceased visited her parental home on the occasion of Bhai Duj and informed while weeping that her husband was insisting on wife swapping and on her refusal, she was threatened to be divorced and killed. The father-in-law and mother-in-law also used to beat the deceased. On the occasion of Diwali, mother-in-law asked the deceased to bring Rs.5 lakhs. The deceased was also given beatings on account of demand of dowry by her sisters-in-law Aarti, Baby and Neeru and also by Naresh (*nandoi*). When the deceased was pregnant,

the child was aborted by accused Mukesh and *nanad* Baby by administering some medicine.

3. On the basis of statement of the complainant, FIR of the instant case was registered. Statement of Smt.Sunita, mother of the deceased was also recorded. After conducting post-mortem on the dead body of deceased, same was handed over to the complainant. Accused Mukesh @ Murari was arrested on 29.03.2015. After completion of investigation, charge sheet was filed in the Court.

4. Arguments advanced by the learned counsel for the petitioner as well as learned APP for the State were heard.

5. Argument advanced by the counsel for the petitioner is that the relations between the petitioner and deceased were cordial. Contents of FIR are false and concocted. No demand of any dowry was ever made. The deceased was never subjected to cruelty or harassment on account of demand of dowry. It was further argued that the trial is at the initial stage and its conclusion will take sufficient time. It is further submitted that the petitioner is having deep roots in the society.

6. On the other hand, learned APP for the State opposed the bail application on the ground that the trial of the present case is at the initial stage and the public witnesses are yet to be examined. If the accused is released on bail, he may tamper with the evidence

and influence the prosecution witnesses.

7. Perusal of record shows that the charge under Section 498A/304B/34 IPC has been framed against the petitioner/accused Mukesh and other co-accused Pushpa Devi and Lachi Ram, whereas charge under Section 498A/34 IPC has been framed against the remaining accused persons, namely, Aarti, Bharti, Neeru and Naresh. There are specific allegations against the petitioner/accused that he used to harass and torture the deceased on account of demand of dowry. There was specific demand of Rs.5 lakhs from the deceased by the accused. It is also alleged against the accused that he along with other co-accused persons used to beat the deceased on account of demand of dowry which led to the taking of extreme step by the deceased in ending her life.

8. In view of the above mentioned facts and circumstances, seriousness of the allegations and the fact that the public witnesses are yet to be examined and there is apprehension of influencing the prosecution witnesses, this Court is not inclined to release the accused/petitioner on bail. However, the trial court is directed to expedite the trial.

9. Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the

purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

10. With aforesaid directions, the present bail application stands dismissed.

P.S.TEJI, J

FEBRUARY 02, 2017
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