

S- 9 TO 11

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

+ **BAIL APPLN. 1521/2017**
LALITA RANIPetitioner
 Versus
STATE (NCT OF DELHI)Respondent

+ **BAIL APPLN. 1690/2017**
KALPANA SHARMAPetitioner
 Versus
STATE (NCT OF DELHI)Respondent

+ **BAIL APPLN. 1711/2017**
BHUSHAN SHARMAPetitioner
 Versus
STATE (NCT OF DELHI)Respondent

Present : Mr. Vineet Mehta and Mr. Vikramjeet Singh, Advocates
 for the petitioners.
 Ms. Anita Abraham, APP for State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **27.09.2017**

1. By this petition filed under Section 438 of Code of Criminal Procedure (hereinafter referred to as '**Cr.P.C**'), the petitioners seek **grant of anticipatory bail** in FIR No. 277/2017 under Section

498A/304B/34 Indian Penal Code, 1860 (hereinafter referred as 'IPC') registered at Police Station Bindapur, New Delhi.

2. The case of the prosecution is that the deceased/victim was married to the accused/Ashok on 24.11.2012 with mutual consent and satisfaction of both families. There were demands of car and cash by husband and her in laws before the marriage and thus a WagonR car and cash Rs. 1,10,000 along with other household articles including furniture, LED, Air Conditioner etc. were given by the family members of the deceased. Again, after a period of 4-5 months the accused persons demanded dowry from the deceased. In addition to the demands, the accused persons including the husband started taunting/torturing/harassing the deceased inasmuch as the deceased was beaten to put pressure on her to bring more dowry. The complainant had already given Rs. 3 lakhs, 2.5 lakhs in cash to the accused and thereafter the accused persons demanded a Fortuner car and Rs. 11 lakhs. On showing her inability to fulfill such demands the accused persons had beaten the deceased. On 30.04.2017 Anju/sister of the complainant visited the complainant wherein she stated that the deceased was being tortured and harassed by her in-laws. She further disclosed to the complainant that the accused Lalita (Nanad) and Kalpana (Jethani) have been ill-treating the deceased for past two days by pulling her hair and slapping her due insufficient dowry. The complainant had on telephone told the deceased that she would be

brought back to her parents house but unfortunately she died the next day.

3. Previous petitions for seeking anticipatory bail filed before the Court of Additional Session Judge, were dismissed. Hence, the present petition.
4. Contention advanced by the counsel for the petitioner/Bhushan Sharma is that the petitioner is falsely implicated in the said case as is clear from the inconsistency between the testimony of the complainant and Anju (sister of the complainant) and the same has been filed to extort undue money; that there has been no demand whatsoever from the deceased on 30.04.2017 or any other occasion and thus Explanation (b) under Section 498A IPC and Sec 304B IPC are not attracted; that the deceased in fact committed suicide on 01.05.2017 in a fit of rage or otherwise on some matrimonial discord/temperamental issue which has falsely been given the color of dowry death; that the petitioner is professionally and financially well settled and had no interest in demanding the alleged Toyota Fortuner and Rs. 11 lakhs in cash from the deceased or her parents; that there has been no complaint whatsoever either by the deceased or the complainant for a period of 5 years after the marriage of the deceased in respect of any dowry demand or any harassment caused to the deceased by the petitioner or any of the co-accused; that the petitioner is residing separately from the deceased and therefore the allegations

made by the complainant are baseless; that the petitioner has a wife and one minor son who is totally dependent upon him for his daily needs; that the petitioner always kept in mind the happiness of the whole family and kept spending money on their outstation trips including the deceased.

5. Counsel for the petitioner/ Kalpana Sharma while adopting the aforesaid contentions, further contended that three days prior to the alleged incident, the petitioner was busy in wedding functions at Gurugram and Roorki and on the date of the incident, was in her son's school and that she was neither present in the house when the deceased committed suicide nor was aware of the same.
6. Counsel for the petitioner/ Lalita Rani, while adopting the aforesaid contentions, further contended that the petitioner is settled in her own matrimonial home and has two grown up daughters and thus she had no interest in demanding the said Toyota Fortuner and Rs. 11 lakhs in cash from the deceased or her parents; that the petitioner has four minor children who are completely dependent upon her for their daily needs; that the petitioner has various ailments and requires physiotherapy.
7. Per contra, Ms. Anita Abraham, learned APP for the State, contended that having regard to the magnitude and seriousness of the present case, it is neither prudent nor proper for Anticipatory Bail to be granted; that there are specific allegations against the petitioners

16

pertaining to cruelty caused to the deceased on account of dowry; that custodial interrogation of the petitioners is required for recovery of dowry articles and further investigation.

8. From a careful scrutiny of the material available on record, this Court is of the view that there are specific allegations against the accused persons for cruelty on account of dowry. During the course of investigation the post mortem of the deceased was conducted by which the viscera along with the ligature material was preserved and sent to FSL for opinion. The FSL report is still awaited and the petitioners have yet to be interrogated at length.
9. As per the status report, the petitioners have been intentionally avoiding process and avoiding appearance before the Court. Efforts were earlier made to examine the petitioners but they did not join the investigation and are absconding. Process under Section 82 Cr.P.C. has already been obtained against them on 08.08.2017 returnable on 15.09.2017.
10. The petitioners have failed to cooperate with the investigation and are at large. Keeping in view the facts and circumstances of the case as well as taking into consideration the gravity of the alleged offences, it is not a fit case for grant anticipatory bail to the petitioners. Hence the present petitions are dismissed.

11. Before parting with the above Order, it is made clear that nothing observed herein shall have any effect on the merits of the case during trial.
12. Accordingly, the present petitions stands disposed of.


SANGITA DHINGRA SEHGAL, J

SEPTEMBER 27, 2017