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

+ BAIL APPLN. 1754/2017

SABNAM BEGUM

..... Petitioner

Through: Mr.Sundheshwar Lal, Advocate.

versus

STATE (GOVT OF NCT)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Azad Singh, PS Ranhola.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

13.10.2017

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1. The petitioner, who is mother-in-law of the deceased Ruby Praveen, is seeking regular bail in case FIR No.653/2015 under Section 498-A/304-B/34 IPC, PS Ranhola, Delhi.

2. Learned counsel for the petitioner has submitted that there is no allegation of any dowry demand being made by the mother-in-law i.e. the petitioner. It has also been submitted that merely because there are allegations of dowry demand made by in-laws or that the deceased was harassed by her in-laws, would not be sufficient to attract the provisions of Section 304-B IPC so as to keep the petitioner in custody for such a long time.

3. It has also been contended that the only allegations against the mother-in-law, the petitioner herein is that her husband used to tell her '*Jo Meri Maa Kahegi Wahi Hoga*' and it cannot be termed as either harassing

her or treating her with cruelty for non-fulfilment of dowry demand.

4. Learned counsel for the petitioner has also referred to the statement of the prosecution witnesses and the contradictions appearing in their statement recorded before the learned Trial Court. It has been contended that the ingredients of Section 304-B IPC are lacking in this case and there is no possibility of the petitioner would abscond, hence she may be released on bail.

5. In support of his contentions, learned counsel for the petitioner has relied on Talat Tariq vs. State 2012 (3) JCC 1603 wherein anticipatory has been granted to the accused by this Court and Geeta vs. State (Govt. of NCT of Delhi) 2015 (2) JCC 1476 wherein regular bail has been granted to the accused by this Court.

6. I have considered the submissions made by learned counsel for the petitioner and carefully gone through the record.

7. Since the petitioner is seeking regular bail in a case of dowry death, reliance placed on Talat Tariq vs. State (Supra) wherein anticipatory bail has been granted to the accused in the facts of the said case, is hardly of any assistance to the petitioner. So far as reliance placed by learned counsel for the petitioner on Geeta vs. State (Govt. of NCT of Delhi) (Supra) is concerned, the regular bail was granted to the accused/mother-in-law in the

8. peculiar facts and interalia on the ground that ₹40 lacs were paid to the complainant by the accused towards dowry articles as well in view of her old age and ill health.

9. The State has placed on record the statements recorded under Section 156 Cr.P.C. of Smt.Akhtari Begum – mother, Mohd. Islam – father and Mohd.Jamal – brother of the deceased Ruby Parveen. They have stated that

Ruby Parveen (deceased) got married to Mohd. Naseem, son of the petitioner on 29th July, 2015 as per Muslim rites. Just after 2-3 days of her marriage, Ruby Parveen informed on phone about the demand of ₹5 lacs to purchase a vehicle and that she was being harassed on that ground. Ruby Parveen also told them that her husband was telling her '*Jo Meri Maa Kahegi Wahi Hoga*'.

10. A perusal of the FIR and the statements of the parents and brother of the deceased reveal that it was only in the context of dowry demand that the deceased was told '*Jo Meri Maa Kahegi Wahi Hoga*'. In the FIR the complainant Mohd. Islam has specifically stated that on the very second day of the marriage there was a dowry demand by Hasib for buying a second hand car to be engaged with a call centre but that he expressed his inability as he has already given ₹3 lakhs, the next day they started harassing his daughter. Even a day prior to the unnatural death of Ruby Parveen, a call was allegedly made by the husband and father-in-law of the deceased to arrange for ₹5 lakhs so that they could buy another vehicle. Next day in the morning at about 6 a.m. the complainant got information through her another daughter Yasmin and her husband that Ruby has been killed by her in-laws.

11. Ruby Parveen died an unnatural death on 21st August, 2015 i.e. within three weeks of her marriage. So far as the role of the petitioner is concerned, the complainant/Mohd. Islam – father of the deceased in his statement under Section 161 Cr.P.C. has stated that after about 12-13 days of the marriage, husband and mother-in-law of the deceased visited to their house and demanded ₹5 lacs from him and on his refusal to pay the money, they got annoyed and left alongwith Ruby (deceased).

So far as the so called contradictions referred to in the bail application by learned counsel for the petitioner are concerned, at the stage of bail it is not for this Court to appreciate the testimony of prosecution witnesses. It is only for the Trial Court to appreciate the evidence at the appropriate stage.

12. As per the prosecution case the dowry demand started just from the second day of the marriage and continued even a day prior to unnatural death of Ruby Parveen. As per the post mortem report the cause of death is due to asphyxia as a result of Ante Mortem Hanging.

13. Taking into consideration the nature and gravity of the offence wherein a young bride has died due to hanging in less than three weeks of her marriage due to the alleged harassment on account of dowry demand and there are specific allegations levelled against the petitioner i.e. the mother-in-law of the deceased, I do not find it to be a fit case to enlarge the petitioner on bail.

14. The bail application is dismissed.

PRATIBHA RANI, J.

OCTOBER 13, 2017

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