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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 429/2018 & CRL.M.A. 3361/2018

KAPIL

..... Petitioner

Through: Mr. Siddharth Pandit, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Raghuvinder Varma, APP for
State with Insp. Rajesh Kumar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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20.03.2018

Vide the present petition, the petitioner seeks grant of bail submitting to the effect that there is one child aged about one year born out of the wedlock between the petitioner and the deceased, i.e., his wife in relation to whose demise the FIR No. 441/16, PS Nangloi under Sections 498-A/304-B of the Indian Penal Code, 1860 is indicated to have been registered.

It is submitted on behalf of the petitioner that the petitioner has been incarcerated since 13.10.2016 and that the previous application filed by the petitioner seeking grant of bail had been withdrawn on 18.05.2017 inasmuch as the petitioner had sought to withdraw the application after material witnesses had been examined in the trial and it has been submitted on behalf of the petitioner that the material witnesses have been examined.

It has further been submitted on behalf of the petitioner that the minor child is now living with the paternal grand parents of the minor child who are old and it is difficult for them to look after the minor child. It has also been submitted that they do not have the sufficient means for bringing up the child. It has further been submitted that the petition is virtually a mercy petition.

On behalf of the State, the application is vehemently opposed by the learned APP.

Without any observations on the merits or demerits of the case, the status report submitted by the State is on the record and submissions made on behalf of the State indicate the demise of the deceased within a very short span of date of marriage, i.e., 11.06.2015 and the date of demise being 11.10.2016 and the post-mortem report indicates it to be a case of death through poisoning, i.e., Organophosphorus Pesticide Dichlorvos poisoning.

Without any observations on the merits or demerits of the case, it is essential to observe that the statement of the father of the deceased also states *inter alia* to the effect that dowry demands were made and pressure was put on the deceased by the petitioner for transfer of the FDR given to the deceased in relation to the demise of her former spouse who had died in a road accident which was also a cause of pressure on the deceased.

Taking the totality of the circumstances of the case, there is no ground for grant of bail. Needless to observe nothing stated

hereinabove shall amount to an expression on the merits or demerits

of the case.

The application is disposed of accordingly.

ANU MALHOTRA, J

MARCH 20, 2018
NC