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

+ **CRL.M.C. 2623/2018**

MOOLCHAND MEENA Petitioner

Through: **Mr. Anand Nandan & Mr. Sumit Mishra, Advs.**

Versus

STATE (NCT) OF DELHI & ANR Respondents

Through: **Mr. Ashish Dutta, APP for the State with Insp. Josepha Kujur, DIU/SED. Mr. Ramesh Gupta, Sr. Adv. with Mr. Ajay P. Tushir & Ms. M. Begum, Advs. for R-2.**

**CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA**

ORDER
% **09.10.2018**

The second respondent was named as accused in FIR no. 10/2018 registered on 13.01.2018 involving offences punishable under Sections 498A/304B/306/34 of Indian Penal Code, 1860 (IPC). By order dated 31.3.2018, on his bail application no. 502/2018, the court of sessions admitted him to anticipatory bail in the said case. Feeling aggrieved, the present petition was filed invoking the jurisdiction of this Court under Section 482 read with Section 439 (2) of the Code of Criminal Procedure, 1973 (Cr.P.C.).

The second respondent was married to Sita Meena, daughter of the petitioner on 22.04.2016. The second respondent (the accused) has been employed with Delhi Police as Sub-Inspector since 2008. Sita Meena concededly committed suicide by hanging herself by neck in the matrimonial home on 05.11.2017. The petitioner, father of the deceased, a native of Jaipur and Rajasthan concededly was informed and reached Delhi with certain relatives on the same date. Admittedly, during the inquest proceedings before the sub-divisional Magistrate, statement of the petitioner was recorded on 06.11.2017 wherein it was indicated by him that relationship between the deceased and the accused had been cordial, there having been no dowry demand, the couple having led happily married life and visited the parental home together.

Though there seems to be some dispute as to who took over the dead body of the deceased or who arranged the cremation, the fact remains that no foul play was alleged till the dead body was cremated. On 11.11.2017, the petitioner presented a type-written complaint making allegations of dowry demand and cruelty having been meted out to the deceased by the accused in the matrimonial home. It is the said complaint which eventually led to the registration of the FIR.

Taking note of all the background facts, the Additional Sessions Judge considered it just and proper to admit the second respondent on anticipatory bail. The order which is impugned takes note of the versions of both sides. It cannot be said in the above facts and circumstances that the order is perverse. The court of sessions has exercised the judicial discretion vested in it and setting out sound reasons for the same. Given the sharp

contrast of the allegations in the FIR, as seen against the backdrop of the statement made on day one before the SDM, this Court finds no good reasons why the order be interfered with.

Leaving the issues of fact open, the petition is dismissed.

R.K.GAUBA, J

OCTOBER 09, 2018/nk