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

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Judgment delivered on: 24.09.2018

+ BAIL APPLN. 1169/2018

KRISHNA

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Sanjiv Sahay, Adv.

For the Respondent: Ms.Neelam Sharma, APP for the State
with Insp.Sheelwant Singh, P.S.Mundka.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.72/2018 under Section 498A/304B of the IPC, P.S. Munirka.

2. The allegation in the FIR against the petitioner, who is the mother-in-law of the deceased, is that she used to harass the deceased. The case of the prosecution is *inter alia* based on an alleged suicide note allegedly recovered from the house of the deceased.

3. Learned counsel for the petitioner submits that the suicide note

as well as the recovery of the suicide note is suspect, as the original suicide note is not available and was not found by the crime team, which had searched the house. The suicide note is alleged to have been found by the sister of the deceased and handed over to the IO on 16.02.2018 i.e. two days after the incident. She is alleged to have found the suicide note in the same one roomed house.

4. Forensic science laboratory has given an opinion based on the photocopy of the suicide note, which was produced. IO who is present in Court submits that the original suicide note is now not available on record and seems to have been misplaced and appropriate enquiry has been ordered by the concerned DCP.

5. Petitioner was granted interim protection by order dated 28.05.2018. Learned APP submits that petitioner did join investigation. Investigation is complete and charge sheet has been filed.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case, I am of the view that petitioner has been able to make out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on her furnishing a bail bond in the sum of Rs. 25,000/- with one surety of

the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court.

8. The Petition is disposed of in the above terms.

9. Order *Dasti* under signatures of the Court Master

SEPTEMBER 24, 2018

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SANJEEV SACHDEVA, J

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