

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPL. 1377/2018

CHANDRAWATI

.....Petitioner

Through: Mr. Joginder Tuli, Mr. Ashu Kumar
Sharma, Ms. Joshini Tuli, Ms. Sabita
Rana and Ms. Divya Jangid, Advocates.

versus

STATE (NCT OF DELHI)

....Respondent

Through: Ms. Meenakshi Chauhan, APP for the
State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. The present petition has been filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 seeking **grant of anticipatory bail** in FIR No. 150/2018 under Sections 304B/498A/34 of the Indian Penal Code, registered at Police Station – Anand Parbat.
2. Brief facts of the case are that, on receiving the D. D. No. 43A dated 27.05.2018, ASI Chander Pal along with other police officials reached at the spot i.e. House No. 52/37A, Gali No. 16, Nai Basti, Anand Parbat, Delhi and found a lady namely Hemlata W/o Sandeep Kumar hanging; that during search of room a suicide note was found stating that '*Mein Hemlata Iss Zindagi Se Pareshan Hokaar Yeh Kar Rahi Hoon. Meri Wajah Se*'; that on the complaint of mother of the deceased Smt. Kamlesh W/o Shri Jai Kishan alleging that husband and in-laws of the deceased used to

beat and harass her daughter for want of dowry, FIR in the instant case was got registered.

3. Mr. Tuli, learned counsel appearing for the petitioner contended that the petitioner being innocent is implicated in a false and frivolous case; petitioner is a senior citizen aged about 70 years and suffering from various old age illnesses; that the suicide note does not mention the name of the petitioner; that the petitioner was not in town at the relevant time; that the alleged demand of dowry was for use of co-accused (husband of the deceased) and the petitioner cannot be held guilty for the same.
4. Ms. Roshini Chauhan, learned APP for the State vehemently opposed the anticipatory bail application of the petitioner and submitted that the complainant specifically named the petitioner in her complaint; that the petitioner various raids conducted but the petitioner is evading her arrest.
5. I have heard the arguments advanced by learned counsel for the parties and perused the material available on record.
6. Admittedly, the deceased died within seven years of her marriage. The complainant has categorically stated in her complaint that the petitioner and husband of the deceased, who is in judicial custody, tortured the deceased physically as well as mentally for want of dowry, which led the deceased to commit suicide. It is also pertinent to mention that other family members i.e. father-in-law, brother-in-laws and sister-in-law were also residing at the same place, but no allegations were made against them.

7. Keeping in view the peculiar facts of the present case and gravity of the allegations made against the petitioner, I do not find sufficient ground to grant anticipatory bail to the petitioner at this stage.
8. Accordingly the present application stands dismissed.
9. Before parting with the above order, it is made clear that anything observed in the present petition shall not have any bearing on the merits of the case during trial.

SANGITA DHINGRA SEHGAL, J

JUNE 11, 2018
gr



न्यायमेव जयते