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

+ **BAIL APPLN. 1434/2018**

**JATIN CHAUDHARY @ JITTEY**

..... Petitioner

Represented by: Mr. Mahesh Kumar Sharma,  
Advocate.

versus

**STATE (GOVT OF NCT OF DELHI)**

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP  
for the State with SI Vipin  
Kumar, PS Kalyanpuri.  
Mr. R.P.S. Bhatti, Advocate for  
complainant.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**10.07.2018**

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1. By this petition the petitioner seeks bail in case FIR No.43/2018 under Section 306 IPC registered at PS Kalyan Puri.
2. The above noted FIR was registered after an information was received from LBS hospital, recorded vide DD No.28 informing that a person has been brought to the hospital from House No.R-70, East Vinod Nagar who was brought dead. No external injury was found on the body. However, the family of the deceased suspected foul play and thus the mobile phone of the deceased was examined. In the mobile phone, of the deceased, one video of three minutes and 10 seconds got recorded by the deceased was found. In the video recording the deceased stated:

*“( Neeru actually Jeete taken my ₹25,00,000/- I don't know why and how I gave him by taken on here and there and now this not return and to whom I am liable to pay pressure of*

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*them raised day by day and I don't understand I am with him from yesterday and trying that he may give me and if he will give me I will come to house and if he will not give me I will not come to house and not going anywhere as on previous occasion if he give me all rights if not given then I think that I will commits suicide and I know that what is after doing suicide life of wife and children became help but I have no options as I am not capable to pay ₹25,00,000/- some of my own depts.. Meaning I have not paid meaning from where I will pay his ₹25,00,000/- he is not ready to pay neither lesion me and if he give me all rights if not I will commit suicide and only and only Jeete @ Jatin Chaudhary, Jeete @ Jatin Chaudhary is his name you know I love to much to children but what can I do my life is running as it is and as and when I understand everything became destroyed and he don't know when and from where I was paid him from taken here and there, today this is happen in my life that I going to commit suicide and he is not picking my phone yesterday I was with him for whole night but money is coming I will give money is coming neither denied nor give and it became about ₹25,00,000/- from his side from where I will give me all rights otherwise I will commit suicide because I will not fact the others anybody came to me slapped and spit on my mouth I cannot do this and I also not able to wear the same, as such I think I will commit suicide). ”*

3. Learned counsel for the petitioner states that in fact the deceased was demanding money from the petitioner because the deceased was indulging into activities like Satta or etc., however, the petitioner did not give him the money on the date of incident also the deceased had come to demand money and the petitioner did not go to meet him. The petitioner was not even present at the time when the deceased committed suicide at the place of incident. Thus no offence under Section 306 IPC can be said to be made out against the petitioner for abatement of suicide of the deceased merely by refusing to part with

money.

4. Learned APP for the State fairly submits that though the deceased committed suicide in the building owned by the petitioner wherein different floors were given on rent and one floor was vacant where the body of the deceased was found, however, the petitioner was not present with the deceased, when he committed suicide, though the petitioner knew that the deceased was on the said floor of his house.

5. From the facts noted above it is evident that the deceased was demanding money which though the claim of the deceased was that the petitioner had taken money which he was asking return of, though there is no proof of the said transaction and the claim of the petitioner is that the deceased was demanding loan from him. Even from the dying declaration so recorded by the deceased in his mobile phone, it cannot be said that the petitioner instigated/compelled the deceased to commit suicide.

6. In view of the discussion aforesaid this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court.

7. Needless to state that anything said herein above is not a final expression on the merits of the case.

8. Petition is disposed of. Order dasti.

**JULY 10, 2018/‘yo’**

**MUKTA GUPTA, J.**