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

+ **BAIL APPLN. 1479/2018**

JAGWATI

..... Petitioner

Through: Mr. L. K. Verma, Advocate.
Mr. Ajayinder Sangwan,
Mr. Anirudha Kumar and Mr. V. P.
Singh, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Amit Gupta, Additional Public
Prosecutor with SI Manjeet Kumar,
P.S. Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **02.07.2018**

Mr. L. K. Verma, Advocate who has filed the petition requests that his vakalatnama be discharged since a new counsel has been engaged. It is so ordered.

The applicant seeks bail on the ground that she is the mother-in-law of the deceased – Ms. Varsha and has not been specifically named in the FIR by her parents. Ms. Varsha is stated to have been killed by her in-laws; that the applicant had done nothing to do with the ending of the life of Ms. Varsha nor could anything be attributed to her which led to the deceased taking her own life; that she is the only lady in the house who can take care of one year old child of the deceased; that the other members of her family, who may be accused in the FIR, would not be in a position to take care of the said child.

The impugned order has dealt with these contentions as under:-

“On 05.05.2018, a PCR call was received and consequently, ASI Jai Bhagwan alongwith Ct. Akshay reached at the place of occurrence, i.e., roof, new building Dispensary, Fatehpur Beri, where a lady named Varsha, aged 25 years, was found hanging on the water pipe with her chunni. It was revealed that the deceased Varsha was married on 08.02.2015 with Vivek and had a two years’ old baby boy. Since the hanging/suicide took place within seven years of marriage, therefore, the Crime Team and the SDM were called, who inspected and photographed the spot. Thereafter, the deceased was removed from the pipe and shifted to AIIMS hospital, where she was declared ‘brought-dead’. The statement of the father of the deceased, namely, Daulat Ram was recorded and he stated that on 04.05.2018, he had received a phone call from his daughter Varsha stating that she was slapped by her brother-in-law Vipin and was thrown out of their house. The father of the deceased had then called Jitender Kumar, the father-in-law of the deceased, but he did not respond to the phone call and thereafter, the applicant herein, took the phone call and was asked to give the phone to the deceased, on which the applicant told the father of the deceased that Varsha was not at home. Thereafter, the father of the deceased called 15-20 times on the mobile number of her daughter, but there was no response. Then, he had called his relative Dhan Singh, who reached at the spot and told the father of the deceased that his daughter was hanging with the water pipe. The father of the deceased alleged that his daughter was murdered by her husband Vivek, brother-in-law Vipin, father-in-law Jitender and mother-in-law Jagwati. The mother of the deceased had also stated that her daughter was harassed for demand of dowry by her in-laws.

The IO has submitted that the accused persons have been hiding themselves and absconding and deliberately avoiding their arrest. He further submitted that the investigation is at the initial stage and the detailed interrogation of the applicant is required.

The aforesaid facts would reveal that the deceased was

married with the son of the applicant on 08.02.2015. She has been found hanging on 05.05.2018 and as such the death took place within the seven years of her marriage. The statement of the father of the deceased would reveal that on 04.05.2018, his deceased daughter had told him that she was thrown away from the house and then he tried to contact the father-in-law of the deceased but he did not respond, and then the applicant spoke with the father of the deceased and told him that the deceased was not at home. The father and the mother of the deceased have submitted that their daughter was continuously harassed for dowry demand. There are also serious allegations that the deceased had not committed suicide but she was murdered and then hanged with the water pipe. Keeping in view the seriousness and gravity of the offence and the serious allegations against the applicant and further that the applicant and the other accused persons are absconding and for collection of the material evidence, the custodial interrogation of the applicant is required by the police and that the investigation is at the initial stage, I am not inclined to grant anticipatory bail to the applicant. Hence, the application for anticipatory bail moved on behalf of applicant Jagwati is hereby dismissed”.

The learned counsel for the State opposes the application on the ground that the life of a young girl was extinguished in suspicious circumstances and would attract the consequences of murder, especially in view of the fact that a young woman had died within seven years of her marriage at her matrimonial home. Furthermore, the FIR specifically records the statement of the father of the deceased, that despite his having told the applicant just hours before the death of Ms. Varsha, that she was not discharging her duty as an elder of the family, there was no adequate response from her. In other words, the applicant had been duly informed that the deceased was undergoing undue physical and mental ordeal in her

matrimonial house, in the knowledge of the applicant, yet she did nothing about it. As per the FIR, the mother of the deceased states that she had heard the applicant grumbling in the background while the mother was talking with Ms. Varsha and that the mother-in-law/applicant had told her to take her daughter away; this would clearly show that something was amiss at the matrimonial home of the deceased, to which the applicant was clearly a party; the demise of late Ms. Varsha happened the very next day, therefore the culpability and involvement of the applicant cannot be ruled out.

The Court finds that the circumstances, as alleged, do not make out a case for grant of bail. The application is dismissed.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

NAJMI WAZIRI, J.

JULY 02, 2018

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