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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. 1506/2018

ANIL KUMAR

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Sanjiv Sahay, Adv.

For the Respondent: Mr.Kamal Kr.Ghai, 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 regular bail in FIR No.72/2018 under Section 498A/304B of the IPC, P.S. Munirka.
2. The allegations in the FIR against the petitioner who is the husband of the deceased is that he 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 has been in custody since 08.03.2018.

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 the petitioner has been able to make out a case for grant of regular bail.

7. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the trial court, petitioner shall be released on bail if not required in any other case. 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

SANJEEV SACHDEVA, J

SEPTEMBER 24, 2018/rk