

\$~5

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

+ **BAIL APPLN. 1771/2018**

DHARMENDER

..... Petitioner

Represented by: Mr. Bhagwan Jha, Advocate.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
SI Pramod Kumar, PS Moti Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.10.2018

%

1. By this petition, the petitioner seeks bail in case FIR No. 398/2016 under Section 498A/304B/34 IPC registered at PS Moti Nagar on the complaint of, Vishnu Dyal, father of the deceased, Rama Devi.

2. Case of the prosecution is that a PCR call was received regarding hanging and death of one lady at H. No. E-5D, Sudarshan Park, Moti Ngar, Delhi which was recorded vide DD No. 68B and handed over to ASI Anoop Singh who on reaching the spot came to know that Rama Devi @ Sapna, wife of the petitioner, had attempted suicide at her home by tying her scarf on the fan and hanging herself. When the petitioner reached home after work he found the house locked from inside. He saw from the window adjacent to door and found her hanging. The petitioner thus opened the door, cut the chunni and brought down the body of Rama Devi. Rama Devi was declared brought dead when taken to the hospital.

BAIL APPLN. 1771/2018

page 1 of 3

3. In his statement to the SDM father of Rama Devi stated that he had married his daughter to the petitioner on 25th February, 2011. After the marriage petitioner and his daughter shifted to Delhi and were residing at H. No. 5D, E-Block, Sudershan Park, New Delhi. The petitioner was demanding motorcycle from them which they were unable to buy and hence he was regularly beating and torturing her.

4. Petitioner has been in custody since 6th August, 2016. Despite the trial pending for the last two years 4 out of 16 witnesses have been examined. The complainant i.e. the father and brother of the deceased were examined way back in the month of January and thereafter till date the learned Trial Court has made an endeavour to examine the mother of the deceased. Further the brother of the deceased who was initially staying with the deceased and thereafter separately in the same locality has not supported the case of the prosecution even on cross-examination by the learned APP for the State.

5. Considering the fact that the two material witnesses have been examined and despite four dates since January no efforts are being made to examine the mother of the deceased, this Court deems it fit to grant bail to the petitioner.

6. 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 bond of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and will not leave the country

without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the learned Trial Court by way of an affidavit.

7. Petition is disposed of.
8. Order dasti.

MUKTA GUPTA, J.

OCTOBER 03, 2018
‘yo’