

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

% *Reserved on: 17th September, 2018*
Decided on: 28th September, 2018

+ **BAIL APPLN. 1704/2018 and CRL.M.A. 28309/2018**

R.S.SINGHVI & ANR

..... Petitioners

Represented by: Mr. Hariharan, Sr. Advocate with Mr. Sidharth Aggarwal and Mr. Aditya Singhla, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Rahul Mehra, Standing Counsel with Ms. Rajni Gupta, APP for the State.
ACP Arvind Yadav and Insp. Joginder Singh, Crime Branch.
Ms. Rebecca M John, Sr. Advocate with Mr. Vishal Gosain, Mr. Kushdeep Gaur, Mr. R. Tyagi, Mrs. Nicy Paulson & Ms. Megha Bahl, Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

1. By this petition, petitioners, who are parents of Mayank Singhvi, husband of deceased Anissia Batra seek anticipatory bail in case FIR No.185/2018 under Section 304B IPC registered at PS Hauz Khas, Delhi.
2. The above noted FIR was registered on the complaint of Smt. Nillum Batra, mother of Anissia Batra stating that they had solemnized the marriage of their daughter Anissia with Mayank on 23rd February, 2016. After one week of marriage both of them went to Dubai for honeymoon where on the second day Mayank assaulted Anissia in the lobby of the hotel and the room causing contusions on her body. After receiving the beatings Anissia was

sending messages the whole night to the complainant who for the safety of Anissa advised her to go to another room if she did not find safe in the said room. On the next date Anissia left the hotel and went to a woman friend's house and from there to airport. After coming to India complainant advised her daughter to discuss the issue with her parents-in-law, that is, the petitioners herein however, during the discussion they stated that the beatings were due to instigation of the deceased. However, an assurance was given to the husband of the complainant namely R.S. Batra that no such incident would take place in future and Mayank took oath not to take liquor in future which he broke after one week. Thereafter series of beatings and abusing, use of vulgar words continued against Anissia. Due to safety of her daughter the complainant stayed in Delhi for one month from 14th April, 2018 during which period Mayank pulled the hand of her daughter and tried to throw her out of the house which she stopped. She also saved her daughter from violence number of times and due to all these reasons her daughter was always sad. The situation deteriorated and on 5th June, 2018 the complainant came back to Delhi again. On 6th June, 2018 there was again a quarrel between Mayank and Anissia and when she went to the room of her daughter, she saw her daughter was sitting on the bed quietly and Mayank was talking to his parents over the phone who were in London. Parents of Mayank were instigating him and he became mad with anger after talking on phone. Thereafter Mayank again assaulted Anissia with force resulting in the breaking of the bracelet of her hand. The very next day the petitioners herein flew back from London and in the evening came to the house of Mayank and treated their daughter with much rudeness stating that she could leave the house and go away. The complainant called her husband

who reached on 9th June, 2018. Due to the quarrel several times police had to be called. Thereafter Shri Ganpatji assured that no such incident will take place in future and the complainant and her husband can go back to Chandigarh. It is at this point of time that for the first time they came to know that Mayank was already a divorcee and had undergone mental treatment. The complainant along with her husband and son went to Chandigarh on 29th June, 2018 whereafter again Mayank demanded money from her daughter. In the morning of 13th July, 2018 at 11.40 AM she had received a message from her daughter that Mayank was in the house and they were in separate rooms. On 13th July, 2018 at 12.11 PM she sent a message to her daughter on whatsapp to know her well being but she did not receive any reply. At about 2.13 and 2.24 PM Mayank called the complainant twice whereafter he sent a message using indecent words. Later the complainant's husband told her on phone that Anissia has jumped from the third storey and has been shifted to the hospital. After sometime they received an information about the death of their daughter from Shri Ganpatji. The complainant and her husband came to Delhi from Chandigarh by taxi and reached the police station directly. According to the complainant, Mayank and his parents were responsible for the death of her daughter and that action be taken against the petitioners.

3. Based on this FIR learned counsel for the petitioners contends that admittedly Mayank and Anissia were living separately and not with the petitioners. The petitioners had no interference in the lives of Mayank and Anissia. A bare reading of the FIR would show that there is no allegation that either the petitioners demanded money or ill-treated the deceased. Even as per the FIR at best the allegations are of instigation against the

petitioners on phone however, no phone call details have been collected to show that the petitioners actually spoke to Mayank or instigated him. Learned counsel for the petitioners also relies upon the messages between the parties which show that the petitioners had no involvement whatsoever in the affairs of the couple and they were trying to always pacify and make good and cordial their relationship. Further to attract the offence punishable under Section 304B IPC soon before death there has to be demand of dowry. There is no allegation whatsoever against the petitioners that the petitioners made demand of dowry soon before the death. Hence, the petitioners be granted anticipatory bail.

4. Learned Standing Counsel for the State has handed over a compilation of documents with list of dates. He refers to the supplementary statement of R.S. Batra, father of Anissia wherein he stated that on 13th July, 2016 Mayank assaulted Anissia violently. Anissia was called to Chandigarh for some time. After some time R.S. Batra accompanied Anissia back to Delhi. During the course of discussion Mayank's parents first blamed Anissia for the incident and were very aggressive in their approach. At the same time, the petitioners expressed their unhappiness in the manner the marriage was performed and stated that it was much below their expectations. In a very calculative manner during the course of discussion Mayank's parents demanded ₹10 lakhs as financial assistance to Mayank. Anissia's first wedding anniversary was celebrated at Chandigarh in February, 2017 when Maynak and his parents came to Chandigarh and again raised the issue of not giving Mayank the financial help. This time they seemed visibly annoyed. After this episode Mayank used to use demeaning words towards their daughter. On 12th April, 2017 Mayank again assaulted Anissia and

stated that her parents should fulfill their demand of money as told by his parents during their visit to Chandigarh in end of February. Though Nillum Batra, the complainant sent a message to petitioner No.2 herein indicating that they were open to giving Mayank money as asked by the petitioners but her husband declined to do so. Further a flat jointly in the name of complainant and her daughter Anissia was sold for ₹1.2 crores on 12th June, 2018 whereafter Anissia was subjected to further harassment.

5. Besides the other evidence on record on 23rd June, 2018 Anissia had sent an email to her counsel narrating her sufferings for the last 2½ years. In the said mail to the lawyer Anissia has explained various incidents and also of 13th July, 2016 whereafter the parents of Mayank came to their flat at Safdarjung Development Area and besides Mayank the petitioners also starting lashing out at her.

6. From the documents placed on record particularly the supplementary statement of father of Anissia, the WhatsApp messages and the email to learned counsel the continuous course of harassment and torture to the deceased is evident. The said email also narrates the participation and the support extended by the petitioners to their son in the said harassment. Further as noted from the supplementary statement of the father of the deceased there was clear demand of ₹10 lakhs. Hence this Court does not find it to be fit case to grant anticipatory bail to the petitioners.

7. Petition and application are dismissed.

8. Order dasti.

(MUKTA GUPTA)
JUDGE

SEPTEMBER 28, 2018

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