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

+ **BAIL APPLN. 2437/2018**

ANITA

..... Petitioner

Represented by: Mr. Kanish Ahuja, Mr. Rajneesh
Gaur, Mr. Anmol Sharma, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI Lokesh
Singh PS Bhalaswa Dairy.

+ **BAIL APPLN. 1752/2018**

RAHUL

..... Petitioner

Represented by: Mr. Mohit Mathur, Sr. Adv. with Mr.
Rajnish Gaur, Ms. Jagriti Ahuja, Mr.
Amol Sharma, Advs.

versus

STATE (GOVT.OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI Lokesh
Singh PS Bhalaswa Dairy.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.11.2018

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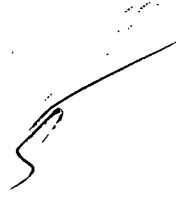
1. In Bail Application No. 2437/2018 Anita, the mother-in-law of deceased Poonam seeks anticipatory bail whereas in Bail Application No. 1752/2018 Rahul, the husband of deceased Poonam seeks regular bail in

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FIR No. 256/2018 registered at PS Bhalaswa Dairy for offences punishable under Sections 498A/304B/34 IPC.

2. The above-noted FIR was registered after an information was received from BJRM hospital about Poonam, wife of Rahul having committed suicide by hanging and having been admitted in the hospital by her family members. She was declared brought dead.

3. Above-noted FIR was registered on the statement of Ravi Kumar, brother of Poonam who stated that Poonam and Rahul were married one year back and they had no child. Sometimes they used to quarrel. His sister was residing at H. No.22, Khasra No.12, Bhalaswa Dairy with her husband. Once his sister told his wife Rekha that Rahul was having an affair with a girl in Nand Nagri and that he did not love Poonam. As and when his sister used to ask Rahul about that girl, Rahul used to quarrel with his sister. It is alleged that the mother-in-law of his sister i.e. petitioner Anita used to demand money from them and used to always say that excess money has been spend on marriage and she has to repay the loan by taking money from us. According to Ravi the truth was that in the marriage his mother had given his sister and brother-in-law a house constructed on 50 sq. yards plot to live and their family never took any rent for the said house. His mother also used to help his sister and brother-in-law. Even then his mother-in-law and brother-in-law were not happy. These people tortured his sister. On 21st May, 2018 his sister celebrated her first marriage anniversary and from his family only Harsh went with his aunt Poonam and no one else could go. After the programme his sister's father-in-law, mother-in-law and other family members stayed at her house and to his knowledge the in-laws left the house in the morning of 23rd May, 2018. On 23rd May, 2018 around



11.00 – 11.30 noon he had spoken to his sister Poonam and she did not state to him anything but she appeared to be angry. When his mother again called up his sister, she did not pick up the phone. Therefore, his mother and brother went to his sister's place on a scooty and he also went to her place. He saw that the room was locked from inside and when the door was pushed, his sister was hanging with a fan in the room. With the help of neighbours they brought down Poonam and took her to the hospital. However, his sister was dead. Rahul was a driver and he used to beat his sister and trouble her for money. He earnestly felt that his sister could not commit suicide and she had been killed.

4. The deceased had left a suicide note wherein she stated as under:

“Mummy after I have left, give both the cars to Rahul and due to marriage whatever expenses have been born by Rahul's parents, clear them by selling the gold and after selling gold clear your loans as well. Do not cry for me. I had only this much time with all of you. Harshu I love you. Mummy I love you. Rahul I hate you. And nobody is responsible for my death. I am responsible for my death.”

5. A perusal of the suicide note reveals and as is also evident from the statement of the brother of the deceased that the differences between the couple were on two counts; firstly, because of the love affair of Rahul with a girl in Nand Nagri and secondly he used to beat her. Allegations against Anita are of giving taunts due to the excess expenditure on their marriage.

6. From the FIR it is clear that the petitioner Anita did not reside with Poonam and Rahul, rather was living separately and had come to visit Poonam on 21st May, 2018 to celebrate the first wedding anniversary and had left their home on 23rd May, 2018. The allegations against the petitioner

Anita are of demand of money because the expenses in the marriage exceeded and she wanted to clear the same by taking the said money from the complainant and his family members. FIR in question was registered on 25th May, 2018. Rahul was arrested on 25th of May, 2018 itself and no notice was issued to the petitioner Anita to join the investigation. Though the charge-sheet filed noted that Anita is not traceable, however her non-bailable warrants were got issued for the first time on 20th August, 2018.

7. Considering the nature of allegations and the fact that initially the entire thrust of the investigation was only on Rahul and that after interim protection was granted by this Court, the petitioner has joined investigation, this Court deems it fit to grant anticipatory bail to him. It is therefore directed that in the event of arrest Anita be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that in case of change of residential address the same will be intimated to the Court concerned.

8. Bail Application No. 2437/2018 is disposed of.

9. As regards petitioner Rahul is concerned, as noted above, the allegations are that he used to quarrel with the deceased and used to physically assault her. Financial help was also rendered to Rahul and Poonam by the complainant's family.

10. Considering the nature of allegations against Rahul and particularly the fact that in the suicide note the thrust of the deceased's anguish is against Rahul and that the deceased and Rahul were living together, separately from the other family members, and since family members of the deceased are still under examination before the trial Court, this Court finds no ground to

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grant bail at this stage.

11. Bail Application No. 1752/2018 is dismissed.

Crl.M.A. 34364/2018 in BAIL APPLN. 2437/2018

Application is dismissed as infructuous.


MUKTA GUPTA, J.

NOVEMBER 20, 2018

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