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\$~1 & 2 (common order)

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

+ **BAIL APPLN. 2144/2018**

TRIBENI MAHANTI

..... Petitioner

Through: Mr. L. Ojha, Advocate with
Mr. R.K. Tiwari, Adv.

versus

STATE (GOVT. OF NCT OF DLEHI)

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with Insp. Ajai Pratap Singh, & ASI
Gayan Singh, PS Pul Prahlad Pur.

+ **BAIL APPLN. 2154/2018**

JAGANNTHA MAHANTI

..... Petitioner

Through: Mr. L. Ojha, Advocate with
Mr. R.K. Tiwari, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with Insp. Ajai Pratap Singh, & ASI
Gayan Singh, PS Pul Prahlad Pur.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.11.2018

Both these petitions relate to the case arising out of FIR No.155/2018 of Police Station Pul Prahlad Pur, involving offences punishable under Section 304-B/34 of Indian Penal Code, 1860 (IPC). On 14.09.2018, these petitions came up together and following order was passed:-

"The applicants are parents of Sushant Mohanti to whom the deceased Priyanka was married on 22.01.2018 in their native State Odisha. It is the case of the petitioners that after seven days of the marriage, the couple i.e. deceased and her husband had shifted to Delhi. Priyanka apparently committed suicide by

BAIL APPLN. 2144/2018 etc.

Page 1 of 3

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hanging herself by the neck at the matrimonial home where she was living with her husband, on 08.07.2018. Allegations have been made of cruelty and demand for dowry primarily directed against the husband Sushant Mohanti who was arrested on 11.07.2018 in the course of investigation into FIR No. 155/2018 under Sections 304 B/34 IPC of police station Pul Prahladpur and is presently in judicial custody. The allegations in the FIR and in the statements recorded thus far under Section 161 Cr.P.C. against the petitioners seem to be omnibus.

The learned additional public prosecutor, however, has referred to the suicide note left behind by the deceased, which is also mentioned in the status report filed. On being asked, the additional public prosecutor, submitted that he is unable to show the suicide note to the court since it was sent to forensic science laboratory (FSL) for opinion of hand writing expert, no copy, not even a photocopy, having been retained by the investigating officer. The investigating agency will make a photocopy of the said document available for perusal by the court.

Be listed on 12th November, 2018.

Till next date, no coercive steps will be taken against the petitioners, subject however, to they joining investigation as and when called by the investigating officer."

Copy of the suicide note has been placed on record for perusal by the court. It is also submitted that the investigation has since been completed and the report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on 15.10.2018, though further investigation is presently underway which would culminate in a supplementary report being submitted. The petitioners apprehend arrest and being taken in custody.

Having regard to the facts, as noted in the order dated 14.09.2018, particularly the submissions made that the petitioners, parents-in-law of the deceased have been ordinary residents of their native place in Odisha, the

investigating agency confirming that they did join investigation pursuant to the directions given in the last order, a case for protection under Section 438 Cr.P.C. is made out. It is, thus, directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount each, subject to the following further conditions:-

(i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;

(ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;

(iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer; and

(iv) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Both the petitions stand disposed of in above terms.

Dasti under the signature of Court Master.


R.K. GAUBA, J.

NOVEMBER 12, 2018/vk

BAIL APPLN. 2144/2018 etc.

Page 3 of 3