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

+ **BAIL APPLN. 2296/2017**

UMESH

..... Petitioner

Represented by: Mr. R.S. Malik, Mr. Sahil
Malik, Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Amolak PS Najafgarh.
Mr. D.K. Sharma, Adv. for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.01.2018

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By this petition the petitioner seeks anticipatory bail in case FIR No.255/2017 under Sections 498A/34/306 IPC registered at PS Najafgarh.

The above-noted FIR was registered on the complaint of Rakesh Kumar, the father of the deceased Jyoti. In the complaint Rakesh Kumar stated that he had married his daughter Jyoti with Umesh on 9th March, 2008. The car which the complainant gave to his daughter was given to the sister-in-law of his daughter to which his daughter had no objection. He stated that the mother-in-law of Jyoti used to taunt her and the appellant used to beat and abuse the deceased. Around 8-9 months prior to the incident, the petitioner did not permit her to cook the food for three days and

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the deceased also did not have the food for three days. On 17th January, 2017 the complainant performed the marriage of his younger daughter when Jyoti and Umesh came to his house and the complainant had to give new jewellery to her because her jewellery had been taken away by the mother-in-law. It is further alleged that the petitioner used to harass his daughter due to which he had to get deposited ₹85,000/- in the account of his daughter. It is further alleged that the petitioner, his brother and brother-in-law used to take opinion of the lawyer frequently and on 18th August, 2017 at 2.28 PM petitioner called him on the phone stating that Jyoti had committed suicide. He and his family members reached the house of Jyoti where her body was found covered. He could not believe that his daughter could have committed suicide from railing which was 4 feet 4 inches height despite the fact that his daughter was 5 feet 6 inches tall.

As per the post-mortem report, the cause of death was ‘asphyxia following ante mortem hanging’ and the possibility of partial hanging in the case could not be ruled out.

During the course of investigation, statement of the children of the deceased have been recorded. The daughter of the deceased stated that on 18th August, 2017 she had gone to the school along with her brother and it was her father Umesh who had come to pick her and her younger brother. After they came back home even after several knocks and shouting, when her mother did not opened the door, her father Umesh broke open the door and found that her mother Jyoti was lying near window with a chunni tied to her. The fact that the petitioner brought the daughter and son from the school is also corroborated by the version of the school teacher and the CDR

details. After investigation charge-sheet has since been filed.

Considering the evidence on record, it is prima facie evident that the petitioner was not at home when the incident took place. There is no material that just prior to the incident petitioner committed cruelty abetting the suicide by the deceased. Marriage between the parties was for more than 9 years. Thus, this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his 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 or the concerned Court, further subject to the condition that he will join further investigation if so carried out and as and when directed and will not leave the country without the prior permission of the Court concerned. In case of change of address the same will also be intimated to the Court concerned.

Petition is disposed of. Order dasti.

Needless to say that the observations made hereinabove will not be treated as an expression of final opinion on the merits of the case.

MUKTA GUPTA, J.

JANUARY 19, 2018

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