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

+ **BAIL APPLN. 2572/2017**

NAFISHA

..... Petitioner

Through: Mr.Abhishek Rai, Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Panna Lal Sharma, APP for State
with SI S.K.Singh, PS Fatehpur Beri

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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24.01.2018

The status report is on the record.

The submissions have been made on behalf of either side.

On behalf of the applicant, bail is sought submitting to the effect that in the first call made to the police by the deceased herself, the deceased did not name the applicant and that in the said DD Entry recorded as DD No.44A dated 2.2.2017 the deceased only mentioned that her father-in-law and her husband were assaulting her and had given her a pill and she needed assistance and it is submitted on behalf of the applicant that in the subsequent statement made by the deceased to the Tehsildar which forms the basis of the registration of the FIR, names of several other persons other than those who had allegedly assaulted her and caused injuries as per the DD No. 44A

were spelt out.

On behalf of the applicant it is submitted that it was the spouse of the deceased who had taken the deceased to the hospital and in the event of the spouse having been involved in the commission of the alleged offence, the deceased would not have been taken to the hospital by her spouse.

It was submitted further that allegedly six persons were involved in the alleged commission of the offence but only 40 % burn injuries were sustained by the deceased which itself falsifies the submission made through the dying declaration.

It has also been submitted on behalf of the petitioner that the public witnesses, the neighbours who were brought forth in relation to the circumstantial evidence have not supported the prosecution version.

On behalf of the State, it has been submitted that the family members of the deceased have supported the prosecution version as put forth through the statement of the deceased which forms the basis of the FIR and inculcates the applicant wholly and to the same effect is the dying declaration of the deceased which is sufficient to negate the grant of bail to the applicant.

It is submitted on behalf of the State that out of 31 witnesses 16 witnesses have been examined of whom four are family members who have supported the prosecution version.

Without any observations on the merits or demerits of the evidence led already and may be lead, taking into account the averments made in the FIR and also the DD Entry made by the

deceased herself which is categorically against the applicant also and of her i.e. the applicant having entered into the house of the deceased along with other co-accused persons and having poured kerosene oil on the deceased, who was set ablaze and the deceased having succumbed to her injuries, there is no ground for grant of bail.

The application is dismissed.

ANU MALHOTRA, J

JANUARY 24, 2018/sv