

\$~6

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

+ **BAIL APPLN. 2725/2019**

JOGINDER SOLANKI Petitioner

Through Mr. Rajat Katyal, Adv.

versus

STATE Respondent

Through Mr. Hirein Sharma, APP for State
Insp. Adithi Lily, PS Palam Village

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **16.12.2019**

Vide the present petition, the petitioner seeks directions to be released on bail in FIR No. 0060/2019 dated 23.01.2019 registered at Police Station Palam Village for the offences punishable under Sections 304B/498A/ 34 IPC.

It is not disputed that there are total of six accused in the present case out of which the mother-in-law, sister-in-law and brother-in-law of the deceased have already been granted anticipatory bail and one brother-in-law, who was arrested and produced before the Trial Court, was released on the same date and now only the petitioner remains in JC.

The petitioner, who is the husband of the deceased, got married to the deceased on 22.11.2015 and the alleged incident took place on 23.01.2019.

Learned counsel for the petitioner submits that the allegations against the petitioner are mechanical and unwarranted as the entire family of the

petitioner has been implicated in the case for dowry demands and harassment. The petitioner has been a loving husband and used to take care of every small need of the deceased.

It is the case of the petitioner that on 21.01.2019, vide DD No. 33A it was informed by the caller that his sister-in-law had committed suicide and she was taken to DDU hospital, where she was declared dead. The petitioner had informed the family of the complainant, however, brother of the deceased threatened to kill the entire family of the petitioner using a "katta" i.e. a country made pistol and hence, they had to leave the place of occurrence to save their lives from him as he was hell bent on ending their lives.

The case of prosecution is that petitioner had told the deceased to arrange four-five lac rupees for purchasing a hotel in a foreign country and thereafter the complainant and his family deposited four-five lac rupees in the bank account of the deceased. Further, the complainant has alleged that demand for gold jewelry on the occasion of birth of baby was made by the petitioner and accused Hitender Singh allegedly demanding a ring and a gold chain. The deceased had also told the complainant that accused Bala and Meena were demanding ear-rings.

Learned counsel for the petitioner submits that since there were no complaints prior to the date of incident, therefore, the allegations made subsequently has no relevance and hence, the petitioner is entitled to be released on bail.

Learned APP for the State has opposed the present bail application and submits that demand for dowry was made on 15.01.2019. On 23.01.2019, the FIR was lodged on the basis of the post mortem report of the

deceased.

The fact remains that all other co-accused have already been granted bail and the petitioner has completed 11 months of incarceration, which fact has not been disputed by the learned APP for the State.

In the totality of facts and circumstances of the case, I hereby direct that the petitioner be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The bail application is allowed and disposed of.

Order *dasti* under signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

DECEMBER 16, 2019

sm