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

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Judgment delivered on: 26.03.2019

+ BAIL APPLN. 133/2019

TAPAN SHARMA

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Shrey Sharawat, Advocate.

For the Respondent : Mr.Hirein Sharma, APP for the State with SI Surender Singh, P.S.Dwarka Sector-23.
Mr.R.N.Sharma, Adv. for the complainant.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 6386/2019 (seeking to place on record the additional documents)

Learned counsel for the petitioner submits that in view of the report of the FSL, which has been received and placed on record, he does not press the application and seeks leave to withdraw the same.

Accordingly, the application is dismissed as withdrawn.

BAIL APPLN. 133/2019

1. Petitioner seeks regular bail in FIR No.56/2018 under Sections 498A/306/34 IPC, Police Station Sector-23, Dwarka.

2. Petitioner is the husband of the deceased and has been in custody since 19.02.2018. Petitioner has been on interim bail since 11.02.2019 because of medical treatment of the child of the petitioner.

3. Subject FIR has been registered on the complaint of the mother of the deceased who had alleged that her daughter was being troubled by her in-laws for small – small things and they never used to give her any money for expenditure and would not recharge her mobile phone. It is alleged by the mother that her daughter never used to complain to her but used to complain to her aunts and further that her in-laws never used to send her home.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It is submitted that at the time of her death there was a credit balance of over Rs.1.5 lakhs in her bank account and in case the petitioner or the family harassed her for dowry they would not have left such heavy amount in her bank account which was being maintained and operated by her.

5. Status report has been filed. Same is taken on record. Status report indicates that a suicide note was recovered from the spot. The suicide note has been extracted in the status report.

6. Perusal of the alleged suicide note shows that the deceased had made complaints about the growing distance between her and her minor daughter aged three years. It is mentioned in the suicide note that the minor daughter was getting close to her grandmother which she could not bear and she was very much troubled with regard to the growing distance between her and

her minor daughter. Perusal of the alleged suicide note shows that there is no allegation of any harassment by the petitioner.

7. Fresh status report has been filed which indicates that the suicide note has been verified by FSL and writing on the suicide note matches the hand-writing of the deceased.

8. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances, I am of the view that petitioner has made out a case for grant of regular bail.

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not endeavour to contact the complainant or her family.

10. Petition is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 26, 2019

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