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

+ BAIL APPLN. 301/2019 & CrI.M.A. 2685/2019

NISHA BANSAL

..... Petitioner

Through: Mr. Kamal Pundir & Mr. Durgesh
Gupta, Advs.

versus

STATE (NCT) OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Insp. Arvind Pratap Singh, PS
Mandawali.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.02.2019

The criminal case arising out of the charge-sheet presented on conclusion of investigation into FIR no. 211/2016 of police station Mandawali, Fazalpur involves offences punishable under Sections 306/313/498A/304 B/34 IPC. It concerns the suicidal death of Kajal Gupta. It is conceded by the learned additional public prosecutor that Kajal Gupta was married to Ankit Bansal on 20.11.2015, it being admitted case that he (Ankit Bansal) had earlier married the petitioner herein on 29.06.2012, the said marriage of the petitioner with Ankit Bansal not having been dissolved by any decree of divorce till date and, thus, subsisting. The allegations concerning offences other than under Section 306 IPC are stated to be directed against other person namely Ankit Bansal. It is also conceded by the learned additional public prosecutor that the prosecution's case against the petitioner is restricted to the charge under Section 306 IPC, it being

founded essentially on a suicide note left behind by Kajal Gupta and certain *whatsapp* messages sent by the petitioner to Kajal Gupta, the fact that Kajal Gupta was being harassed by the petitioner sought to be proved through the testimony of Anita Gupta (PW-1) and Arvind Kumar (PW-16) who have already been examined at the trial. The suicide note concededly only indicates that, in the perception of the deceased, the petitioner and Ankit Bansal were responsible for her unhappiness. The material arising out of *whatsapp* messages was not submitted with the charge-sheet.

The petitioner has been in custody since 26.06.2017. The completion of the trial is likely to take some time.

In the above facts and circumstances, without passing any observations, *vis-a-vis* the complicity or otherwise of the petitioner, her prayer for release on bail is granted subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to her release, she shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). She shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (iv). She shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.

(v). She 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi). She shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit her passport, if she holds one, with the said court.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

FEBRUARY 05, 2019

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