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

+ **BAIL APPLN. 869/2019**

**FAMEEL AHMAD**

..... Petitioner

Through: Mr. Rajiv Singh Pilania, Mr. Ashish Chaudhary, Ms. Kirti Karishma and Ms. Rashmeet Kaur, Advs.

versus

**STATE**

..... Respondent

Through: Mr. Hirein Sharma, APP for State with Inspector Vinay Kumar, ATO / Khajuri Khas  
Mr. Pankaj Sinha and Ms. Kriti Kumari, Advs. for complainant

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

**24.09.2019**

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Vide the present application, the applicant/ accused seeks grant of regular bail to the applicant/ accused in FIR No. 148/2017 dated 31.03.2017 registered at Police Station – Khajuri Khas, Delhi for the offences punishable under Sections 498A/304B/120B IPC.

After completing the investigation, charge-sheet was filed under Sections 498A/304B/120B IPC on 28.06.2017 against eight accused persons i.e. applicant/accused, his father, three real brothers and their wives. It is submitted that six co-accused persons i.e. his three real brothers and their wives were not arrested but charge-sheeted. All the six such accused persons were granted anticipatory bail by this Court vide order dated 10.10.2017.

The applicant/accused filed three bail applications under Section 439 Cr.P.C. before the Court of learned ASJ and same were dismissed by observing that the applicant is the main accused, being the husband of the deceased and there are specific allegations against him and charge has not been framed as yet.

Learned counsel appearing on behalf of the petitioner submits that the charges have been framed and thereafter, filed fourth bail application and the same was dismissed as withdrawn on 24.12.2018.

It is not in dispute that the revision/application has been filed against the charge by the complainant. Learned counsel for the applicant submits that the applicant is a '*cab driver*' and deceased wife was a graduate. PW-1 i.e. father of the deceased has already been examined. There is a discrepancy as to demand of dowry as PW-1 deposed before the Court that the demand was of ₹10,000/-, whereas, in the statement recorded under Section 161 Cr.P.C., mother of the deceased stated that the demand was for ₹1 lakh and brother of the deceased stated that the demand was for ₹10 lakhs.

However, there is no previous complaint of any atrocity or demand of dowry against the petitioner.

PW-1, father of the deceased deposed before the Trial Court that the applicant and complainant (deceased) used to visit their house on every Saturday. Thus, learned counsel for the petitioner submits that the case against the applicant is false. The applicant is in jail since 01.04.2017 and learned counsel for the petitioner prays that the applicant may be released on bail.

Learned APP appearing on behalf of the State has opposed the present application and submits that the deceased died due to electrocution with

naked wire attached at the socket to the washing machine. As per the inspection report of the Electricity Department, the washing machine was not in order, therefore, there was no question to put the connection 'on' of washing machine on the relevant date.

The charge-sheet initially was filed under Section 304-B IPC and thereafter, additional charge was framed under Section 302 IPC.

Learned APP while concluding his arguments submits that in view of the serious allegations against the applicant, the present application deserves to be dismissed.

Fact remains that as per the inspection report, though washing machine was not working but connection from socket to machine was 'ON'. It is admitted by the PW-1 that there was demand of dowry prior to the death of ₹10,000/-, whereas in the statement recorded under Section 161 Cr.P.C., the mother of the deceased stated that the demand was for ₹1 lakh and brother, in his statement under Section 161 Cr.P.C. stated that the demand was for ₹10 lakhs. At the time of incidence, the deceased was pursuing Masters in Philosophy. The applicant is in jail since 01.04.2017.

In view of the above facts and without commenting on the merits and demerits of the case, I am of the view that the applicant is entitled to be released on bail.

Accordingly, let the applicant be released on bail on his furnishing personal bond in the sum of ₹25,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

During bail, the applicant shall not influence the prosecution witness and in the event of any report against him, this Court would consider the desirability of cancelling the suspension of sentence.

The application stands allowed and disposed of accordingly.

Order *dasti* under the signatures of Court Master.

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

**SURESH KUMAR KAIT, J**

**SEPTEMBER 24, 2019**

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