

\$~6

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

%

Judgment delivered on: 23.04.2019

+ BAIL APPLN. 892/2019

MOHD. NAZIM @ SONU

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Pushkar Sharma, Adv.

For the Respondent : Ms. Meenakshi Dahiya, Addl. PP for the
State with SI Dinesh Kumar, P.S.Gokulpuri.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.7395/2019 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 892/2019

1. Issue Notice. Notice accepted by learned APP for the State. Status report is filed. Same is taken on record.

2. Petitioner seeks regular bail in FIR No. 345/2018, under Section 498A/304B/34 IPC P.S.Gandhi Nagar. Subsequently during investigation Section 306 IPC has been added. Charge has been framed against the petitioner under Sections 498A/304B/34 IPC and alternatively under Section 302 IPC.

3. The deceased was married to the petitioner on 22.11.2017 and died on account of asphyxiation on 15.07.2018. Subject FIR was registered on the complaint of the mother of the deceased who had alleged that the petitioner was having an illicit relation with his sister-in-law and she suspected that on account thereof petitioner has eliminated the deceased.

4. Statement of the complainant was recorded before the SDM on 16.07.2018 and on a query by the SDM, the mother of the deceased specifically stated that there was no demand for dowry. FIR was registered on 17.07.2018.

5. In a subsequent statement, given on 01.08.2018, by the father of the deceased, it is alleged that there was demand for dowry and he had paid Rs.75,000/- within 2-3 months of the marriage and thereafter on 14.07.2018 had paid another Rs.1 lakh to the deceased for meeting the demand of the petitioner.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the mother had categorically stated before the SDM that there is no demand for dowry and there is no allegation of any harassment of the deceased by the petitioner or his family on account of dowry and the subsequent statement given by the father of the deceased after a gap of nearly two weeks is an afterthought and an improvement and contradicts the very statement given by the mother of the deceased before the SDM. He further submits that there is no independent material collected by the prosecution to corroborate the allegation that there was ever any demand for dowry or harassment on account of dowry. He further submits that the allegation of the petitioner of illicit relation with his

sister-in-law is also unsubstantiated. He submits that petitioner has been in custody since 17.07.2018. Charge sheet has already been filed and charge has been framed.

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

8. 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 contact the family of the deceased. Petitioner shall also not leave the country without the permission of the Trial Court. Petitioner shall surrender his passport, if any, to the IO, if not already done so.

9. Petition is allowed in the above terms.

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

APRIL 23, 2019
rk

SANJEEV SACHDEVA, J