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

+ **BAIL APPLN. 2251/2019**

ROHIT MALIK & ANR

..... Petitioners

Through **Mr.S.K. Tyagi, Adv.**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through **Mr.Tarang Shrivastava, APP for
State.**

**Insp.Mukhtar Singh PS Palam
Village.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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11.09.2019

Crl.M.A.35484/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

Bail Appln.2251/2019

Vide the present application, the applicants/petitioners seek bail in pursuance to FIR No.257/2019 registered at Police Station Palam Village for the offences punishable under sections 304B/498A/34 of IPC.

For the aforesaid purpose, the petitioners moved bail application under section 439 Cr.P.C. before the sessions court, however, the same was dismissed vide order dated 03.09.2019.

Learned counsel appearing on behalf of the petitioner submits that the aforesaid FIR has been registered on the statement of mother of the

deceased. The allegations in the FIR are general in nature whereby it is stated that the mother-in-law and father-in-law of the deceased used to taunt that her daughter (deceased) did not do good practice (len-den) as she did not bring clothes and articles for everybody on the occasion of festival, rituals and family function. She further stated that her daughter had told her that her son-in-law used to talk to some other lady and her daughter did not like that. They talked about this to the son-in-law (petitioner herein) and father-in-law but still her son-in-law used to go outside for many days after leaving her daughter alone at home. Her daughter did not like her husband's outside visits and his remaining outside for many days away from home.

Complainant further stated that her son-in-law used to go outside on the pretext of visiting his village and did not take her daughter with him. Her daughter had told her that her (deceased) mother-in-law and father-in-law used to give her beatings thereby causing mental harassment to her.

Learned counsel further submits that the aforesaid statement was given in reply to the inquiry made by SDM concerned and based upon the said statement, the present FIR has been lodged. He further submits that the allegations are general in nature. Moreover, when the wife of petitioner no.1 hanged herself, his family informed the family of the deceased after taking her to the hospital where she was declared brought dead and cremation was performed by both the families.

In addition to above, learned counsel further submits that the petitioner no.1 is incarcerated from the last four months and petitioner no.2 is incarcerated from the last two months.

On the other hand, learned APP appearing on behalf of the State submits that since the petitioners used to taunt the deceased and used to

demand dowry, therefore, under pressure, she committed suicide. He further submits that petitioner no.1 i.e. husband of the deceased used to talk to some lady which the deceased didn't like, however, petitioner no.1 continued talking with that lady and she found no other way but to finish her life.

Learned APP admitted the fact that whatsapp messages sent by the deceased to her father before the death stating that "*I love you, please forgive me*".

Keeping in view the fact that the allegations in FIR are general in nature and no ante mortem injury was found in the Post Mortem report and the fact that no complaint regarding cruelty by her in-laws has been communicated by the messages in any of the communication including messages sent on whatsapp before she committed suicide.

In view of above, I am of the considered opinion that the petitioners are entitled for regular bail. The petitioners/applicants be released on bail on the following terms and conditions:-

- (i) That the petitioners shall furnish a personal bond in the sum of ₹25,000/- each with one surety each in the like amount subject to the satisfaction of the Trial Court;
- (ii) That the petitioners shall cooperate with the investigation and make themselves available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Application stands allowed and disposed of.

Order *dasti* under the signatures of the Court Master.

SURESH KUMAR KAIT, J

SEPTEMBER 11, 2019

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