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

+ BAIL APPLN. 2673/2018

RICHA THAKUR @ KAJAL

..... Petitioner

Through: Mr. Sunil K Mittal, Mr. Anshul Mittal
and Mr. Divyansh Arora, Advs.

versus

THE STATE

..... Respondent

Through: Mr. Amit Chadha, APP for State with
Insp. Jatan Singh, Crime Branch.
Ms. Kajal Singh and Mr. Akash Deep
Arya, Advs. for Complainant.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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28.02.2019

Learned counsel for the petitioner submits that petitioner is ex-wife of deceased, who committed suicide on 15.12.2017. Marriage between the petitioner and deceased was solemnized on 13.07.2008. After the marriage petitioner was treated with cruelty by the deceased, accordingly, the petitioner filed FIR No. 148/2009 under Sections 498-A/406 IPC against the deceased at police station Bhajanpura. Petitioner also initiated proceedings under the Protection of Women from Domestic Violence Act, 2005. She also filed an application under Section 125 of the Code of Criminal Procedure, 1973. These proceedings continued till a settlement was arrived at between the petitioner and deceased and pursuant thereof, their marriage was dissolved by a decree of divorce by mutual consent dated 02.11.2016. One child was born from their wedlock and was in the custody of petitioner. Deceased continued to contact the petitioner on the pretext of meeting the

child. With the passage of time petitioner and deceased started meeting along with the child. On 01.05.2017, petitioner lodged an FIR No. 160/2017 at police station Bhajanpura under Sections 376/323 IPC against the deceased since he raped her. Deceased re-married on 22.04.2017.

The deceased has committed suicide of his own as he was under depression. Deceased has left behind suicide notes with false allegations against the petitioner in order to harass her. Investigations are complete and charge sheet has already been filed, inasmuch as, charge under Section 306 IPC has been framed. Petitioner is in custody for the last 10 months. It is prayed that petitioner may be admitted to bail.

Learned APP, who is assisted by learned counsel for the complainant, has opposed the grant of bail to petitioner. It is contended that petitioner had harassed the deceased to such an extent that he was left with no choice but to commit suicide. Deceased has explicitly given details of such harassments in his suicide notes dated 13.12.2017, 14.12.2017 and 15.12.2017. It is submitted that deceased has categorically stated in the suicide note that petitioner continued to chase him even after the divorce and continued to meet him. She even implicated him in a false rape case. On 13.12.2017 petitioner came to his office and snatched his bag containing laptop and other important documents including a cheque of ₹32 lacs. Petitioner threatened that she will implicate the deceased in some false cases. On 24.04.2017 petitioner along with her friends gave beatings to him and thereafter took him to Bhjanpura police station. Deceased made a call at 100 number; whereafter, a compromise was arrived at in the police station and petitioner assured that she would not take any action against the deceased, however, subsequently she lodged a false rape case against him.

On 24.04.2017 itself, petitioner forcibly took him to her house and kept him there locked in a room for 4 days in naked condition. Police got the deceased released after about 4 days. At the instance of petitioner his services were terminated but subsequently, he was reinstated on 12.2017 by his boss on his lot of persuasion.

Learned APP contends that it is apparent that deceased committed suicide as he was harassed, humiliated and threatened by the petitioner continuously.

Learned counsel for the petitioner submits that version of deceased in the suicide note that he was kept by the petitioner in her captivity for four days in naked condition is belied from the statement of Const. Subhash, who has stated that on 01.05.2017, on the complaint of brother of deceased, he had gone to the house of the petitioner and enquired from her as to where the deceased was at which, petitioner called the deceased from the first floor; deceased came there and he was in a fit condition.

Keeping in mind the totality of the facts and circumstances of this case, as detailed above, petitioner is admitted to bail, subject to her furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

FEBRUARY 28, 2019

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