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

+ **BAIL APPLN. 69/2020**

TARUN VERMA

..... Petitioner

Through

Ms. Kadambari with Mr. Mayank
Tripathi, Advs.

versus

STATE

..... Respondent

Through

Mr. Hirein Sharma, APP for State
Insp. Narender Singh, P.S. Dabri

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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14.02.2020

Present petition is filed under Section 439 Cr.P.C. for grant of bail in FIR No. 357/2019 registered at P.S. Dabri for offences punishable under Section 304B/498A/34IPC.

It is stated in the present petition that petitioner was married to the wife (now deceased) on 17.02.2016 and out of their wedlock, petitioner and his deceased wife were blessed with a baby child named Naisha Verma. The age of the female child is approximately 2 years who is now totally dependant on the old grandmother and relatives as petitioner is in jail

It is further submitted that the domestic help i.e. Ms. Indira Devi informed that she was working as a domestic help in the family of petitioner for the last 5 years however, she was not aware of the cause of the death of the deceased wife. She was the first person to see the deceased hanging in her room.

It is also submitted that statement of the brother of the deceased i.e. Shri Devender Singh, categorically demonstrates that the marriage solemnized approximately 4 years back i.e. on 17.02.2016 and after two months of marriage there was only one alleged complaint by the deceased wherein the petitioner was accused of trying to press the neck of the deceased, however after the alleged incident no complaint qua petitioner ever came.

Counsel further submits that on the fateful day deceased called her parents in the morning but did not say anything about any violence. The entire charge sheet is silent about that soon before her death the deceased was subjected to any torture.

It is also submitted that there was no suicide note recovered from the crime scene and the charge sheet apart from allegations against petitioner, does not support the case of the prosecution by any corroborating statement of the neighbours or maid suggesting that the deceased was ever subjected to any violence at her matrimonial home.

Learned counsel appearing on behalf of complainant submits that the way deceased was found hanging at her matrimonial home, this is a case of murder, however, prosecution has not properly investigated the case and have concocted a different story in the chargesheet. Whereas, as per the post-mortem report, death of deceased was due to asphyxiation by hanging and thereafter as per FSL report, it has been established that deceased was not poisoned before her death. Thus, submission of counsel for applicant has not been made out.

It is not in dispute that there was no written complaint/chat made by the deceased to any of her family members before she hanged herself. Even

on the date of her death, she talked to her mother, however, there was no complaint made for any harassment or any demand for dowry prior to her death.

However, without commenting upon the prosecution case, I am of the view that present case is fit for bail. Accordingly, petitioner shall be released on bail on his furnishing personal bond in the sum of ₹20,000/- with one surety of the like amount to satisfaction of Trial Court.

The present bail application is allowed and disposed of.

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

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 14, 2020

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