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

+ **BAIL APPLN. 389/2020**

RAJU

..... Petitioner

Through Mr Ankit Tandan, Advocate.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.09.2020**

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 0011/2019 under Sections 304-B/498-A/34 of the IPC registered with PS Karawal Nagar.
2. The said FIR was registered at the instance of the mother of the deceased. It is alleged that the wife of the petitioner had committed suicide. The complainant (the mother of the deceased) had alleged that the petitioner and his family members had been torturing the deceased prior to her demise. In addition, it was alleged that the petitioner had also demanded a gold chain and a gold ring but they were unable to comply with this demand.
3. According to the complainant, her daughter married the petitioner on 25.02.2017. The said marriage was a 'love marriage' and was not arranged by the family members. The marriage ceremonies were conducted at Arya Samaj Mandiar near Karkardooma. The complainant stated that this was the second marriage of her daughter. She alleged that her husband (the petitioner) used to beat her after drinking alcohol. She also stated that after

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one year of marriage the petitioner had started demanding a gold ring and a gold chain and had complained that they had not given him anything.

4. All material witnesses except one of the sons of the complainant (brother of the deceased) have been examined. The complainant has been examined as PW 1. In her testimony she had alleged that last year in the month of *Kartik*, the petitioner had come to her house and demanded a motorcycle, gold chain, gold ring and ₹50,000/- in cash from her and her husband. She stated that they expressed their inability to provide the same and on this petitioner had threatened them by saying "*baad me pachtaoge*".

5. The learned counsel appearing for the petitioner contended that the allegations of dowry demand are improbable. First of all, it is alleged that the same was made one year after marriage. Secondly, he contended that the probability of the dowry demand being made was not believable as the marriage was not arranged by the family members and was a love marriage. Thirdly, he contended that the complainant's testimony is not reliable as she has significantly improved her allegations. In the initial complaint, she had alleged that the petitioner had demanded a gold chain and a gold ring but in her testimony before Court she had also added that motorcycle and ₹50,000/- in cash were demanded. He also contends that it is the admitted case of the prosecution that there was no complaint or allegation prior to the filing of the present FIR against the petitioner.

6. The petitioner was arrested on 13.01.2019 and has been in custody for one-and-a-half years. This Court is of the view that no purpose would be served by further detaining the petitioner in judicial custody.

7. He is, accordingly, directed to be released on bail on his furnishing a personal bond in the sum of ₹15,000/- with one surety of the like amount to

the satisfaction of the concerned Jail Superintendent/Trial Court/Duty Magistrate. This is also subject to the following further condition:-

- (a) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall not leave the National Capital Territory of Delhi without informing the SHO of the concerned PS Karawal Nagar;
- (c) that the petitioner shall mark his presence before the concerned police station on first Monday of every calendar month;
- (d) that the petitioner shall ensure that he is available for all proceedings before the Trial Court.

8. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 2, 2020

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