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

+ **BAIL APPLN. 1046/2020 & CRL.M.A.7106/2020**

SANGEETA

..... Petitioner

Through: Mr Ramesh Gupta, Sr. Advocate with
Mr Ashish Verma, Mr Vijay Kari
Singh and Mr Daksh Wadhawan,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr Ravi Nayak, APP for State with
Mr Ram Kishan Suhag, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.06.2020

[Hearing held through video conferencing]

1. The petitioner has filed present petition seeking bail in FIR No. 321/2019.
2. A status report has been filed, which indicates that the petitioner is in custody in FIR No.321/2019 under Section 302/120-B/201/212/34 of the IPC registered with PS Sagarpur. It is stated that on 13.07.2019 at about 9:46 PM information was received in PS Sagarpur from the complainant who alleged that in Gali No.6, Tent Wala School, Main Sagar, New Delhi her husband was beaten and is injured. It is stated that a police official was despatched to the spot and on reaching the spot he saw some persons from the general public were present. There were blood spots in front of

H.No.RZ-1560, Main Sagarpur, New Delhi. He also observed that blood was spilt on the floor near the main gate. He was informed that the injured had been shifted to the DDU Hospital.

3. The injured was declared as brought dead at the hospital. Subsequently, efforts were made to trace out eye witnesses.

4. The petitioner and other co-accused had absconded.

5. The statement of the complainant was recorded under Section 161 CrPC. She, *inter alia*, alleged that she had received a call from her husband (the deceased) and he informed her that one Joga Sansi and his family members were beating him and requested her to come at the spot promptly. She stated that she rushed out and took an e-rickshaw to get to the spot. On reaching the spot she witnessed Joga Sansi attacking her husband with a pair of scissors. She stated that he had been struck down on the ground and Joga Sansi along with other persons including the petitioner were beating him. She stated that she kept screaming but nobody came to her/her husband's assistance. She also stated that her husband was dragged inside the house and the accused had shut the door. In addition, she stated that Joga Sansi's mother and his wife (Sangeeta) had come out and had tried to clear the blood by throwing water and mud on it.

6. Her statement was recorded under Section 164 CrPC, which was similar to her statement under section 161 Cr.P.C.

7. The charges have not been framed as yet. The said incident took place on 13.07.2019. The petitioner was appended after a few months.

8. It is seen from the above that the role ascribed to the petitioner by the

complainant is not as grave as that ascribed to the petitioner's husband (Joga Sansi) and other co-accused who had joined him in assaulting the deceased. It is not disputed that, unlike Joga Sansi's mother, the petitioner has no previous involvement in any criminal case. Mr Gupta, learned senior counsel appearing for the petitioner further submitted that the petitioner was married to Joga Sansi merely four months prior to the date of incident.

9. Considering the above, this Court considers it apposite to allow the present petition. The petitioner shall be released on bail on her furnishing a Personal Bond in the sum of ₹20,000/- to the satisfaction of the Jail Supretendent and two sureties of an equivalent amount. This is also subject to the following further conditions:-

- a) That the petitioner shall provide her contact number and ensure that she is reachable at the said number at all times;
- b) That the petitioner shall not try and contact any of the witnesses either directly or indirectly;
- c) That the petitioner shall not leave the National Capital Territory of Delhi;
- d) That the petitioner shall mark her presence before the concerned police station on every second and fourth Monday of the calendar month; and
- e) That the petitioner shall ensure that she is available for all proceedings before the concerned court.

10. The petition is allowed in the aforesaid terms.

11. Needless to state that nothing stated in this order should be construed as an expression of opinion (prima facie or otherwise) to the merits of the case.

VIBHU BAKHRU, J

JUNE 03, 2020
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