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

+ BAIL APPLN. 1332/2020

SUBHOD CHAND DIXIT & ANR Petitioners

Through: Mr.K.K.Tyagi, Advocate.

versus

STATE

..... Respondent

Through: Ms.Radhika Kolluru, APP for State.
Mr.D.D Panday, Mr.Vijay Kinger &
Mr.Sanjay Surjan Advocates for the
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

10.07.2020

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1. The present application has been filed on behalf of the petitioners seeking anticipatory bail in FIR No.0112/2020, registered under Sections 498-A/304-B/306/34 IPC at Police Station Mansarovar Park, Delhi.
2. Learned counsel for the petitioner submits that the petitioners are the parents-in-law of the deceased *Akansha*. He submits that the petitioners are aged about 56 & 55 years respectively. He further submits that as per the allegations made in the FIR, the ingredients of Section 304-B IPC are not made out, inasmuch as there is no demand of dowry soon before the date of the alleged incident. He also submits that the petitioners have joined investigation twice and their custodial interrogation is not required in the present case. He further submits that prior to the alleged incident, there is no

complaint/MLC given either by the deceased or her family members. He has referred to the postmortem report to urge that no external injuries have observed by the Doctor on the body of the deceased.

3. On the other hand, Ms. Radhika Kolluru, learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. She submits that in the present case the deceased got married to the petitioners' son on 11.05.2018 and she committed suicide on 11.05.2020, i.e. on the date of her second marriage anniversary at her matrimonial home. She further submits that the FIR was registered on the joint statement of the father, mother and brother of the deceased recorded by the SDM. She further submits that besides the aforesaid statement, their statements were also recorded under Section 161 Cr.P.C. Further, besides the statements of the relatives, statements of Bihari Lal (uncle), Vaishnavi (cousin) and two other middlemen, namely Ashok Kumar Sharma and Mahesh Kumar Rathore were also recorded which have been annexed along with the status report.

4. As per the statements of the parents of the deceased, at the time of marriage, besides dowry articles, cash of Rs.10 lacs was given to the petitioners. Soon thereafter, the petitioner *Subodh Chand Dixit* demanded an AC and a fridge, which was fulfilled by them. It is further stated that the deceased was employed as a guest teacher in a private school and the petitioner, *Subodh Chand Dixit* used to take her entire salary. It is further stated that thereafter in June, 2018, a demand of Rs.1.5 lacs cash was made by the petitioners which was also fulfilled by them. It is further stated that on the occasion of the first marriage anniversary on 11.05.2019, on the demand of the petitioners, two gold rings (weighing approx. 10 gm) were

given. As per the statements of the witnesses, the deceased was continuously harassed and tortured with respect to dowry demand. As per the statement of the brother of the deceased, a computer was also given on the demand of her in-laws. Subsequently, another demand of Rs.30,000/- was made in January, 2020 by *Ankit*, son of the petitioners which was also paid. In the first week of March, 2020, both the petitioners along with their son demanded a scooty. However, the deceased refused to convey the said demand to her parents.

5. In Uday Chakraborty v. State of West Bengal reported as **AIR 2010 SC 3506**, it has been held that the period of two years of marriage is considered as a short period and the entire period is relevant for determining the cruelty and harassment meted out to the deceased.

6. In the present case, the deceased committed suicide within two years of her marriage, i.e. on her second marriage anniversary. Besides the parents and family members of the deceased, the Investigating Officer has recorded statements of two independent witnesses, namely, Ashok Kumar Sharma and Mahesh Kumar Rathore, who acted as middlemen in the marriage. Even as per their statements, the demand of dowry is attributed to both the petitioners besides their son. As per the statement of Ashok Kumar Sharma recorded under Section 161 Cr.P.C., it has been stated that he came to know that there was a dowry demand by both the petitioners as well as their son and in relation to that, torture and beatings were given to the deceased, subsequent to which he along with Bihari Lal, Mahesh Kumar Rathore and parents of the deceased went to her matrimonial home and met the petitioners, however, the petitioners were not prepared to listen. At that time, the deceased told the witnesses that these people would not mend their ways and also told about the beatings as well as torture given to her. On the

assurance given by the petitioners of not repeating their acts, they came back. He also stated that later on, father of the deceased told him not only about the demand of Rs.1.5 lacs cash, AC, fridge, scooty and computer but also, the physical beatings and harassment. To the similar extent is the statement of another middleman, namely, Mahesh Kumar Rathore.

7. In view of the aforesaid facts and circumstances of the case, no case for grant of anticipatory bail is made out.

8. The bail application is accordingly dismissed. It is made clear that the observations made hereinabove are only *prima facie* view of the matter and shall not be treated as an expression on the merits of the case.

MANOJ KUMAR OHRI, J

JULY 10, 2020

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