

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. NO. 1601/2020**

**Order reserved on :15.07.2020**  
**Date of decision : 28.07. 2020**

**RAJESH LAL**

..... Petitioner

Through: Mr. Harsh Kumar and  
Mr. Aditya Raj, Advocates

versus

**STATE**

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP  
for State with Insp. Dorothia,  
PS Sonia Vihar  
Mr. D.K. Singh, Adv. for  
complainant with brother of the  
deceased.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

**ANU MALHOTRA, J.**

1. The applicant vide the present application under Section 438 read with Section 482 Cr.P.C., 1973 seeks the grant of anticipatory bail in relation to FIR No. 42/2020 registered at Police Station Sonia Vihar under Sections 304B/498A/34 of the Indian Penal Code, 1860 submitting inter alia to the effect that he has been falsely implicated in the present case and that there is no live link between the applicant and the demise of the deceased wife who as per the postmortem report expired on 28.2.2020 due to asphyxia as a result of ante-mortem hanging and had allegedly committed suicide due to dowry demands

and cruelty meted out to the deceased by the petitioner and his family members allegedly.

2. Notice of the application was issued to the State and the complainant was represented at the time of the hearing of the anticipatory bail application by Mr. Jerome George. It has been submitted on behalf of the applicant that the daughter of the complainant (since deceased) was named Macklina George. The status reports were submitted in the present case by the State dated 8.7.2020 14.7.2020 in support of the prosecution version put forth through the FIR in question.

3. As per the status reports submitted on behalf of the State and submissions made on behalf of the State on 28.2.2020, a PCR call vide DD No.12 A regarding hanging was received at the Police Station Sonia Vihar, Delhi and when the Investigating Officer ASI Narender reached the spot at the 2nd Floor at E-2/769, Gali No. 124<sup>th</sup> Pusta, Sonia Vihar, Delhi the body of Macklina George D/o Jerome George, (since deceased) was on the floor and it was learnt that she aged 31 years had committed suicide by hanging from the ceiling fan with the help of a stole and that Macklina's father and sister had cut the stole from between and laid her down on the floor and that they had opened the knot of the stole and kept it near her head. Investigation at the spot was conducted by the police. The postmortem on the body of the deceased was also conducted. The father of the deceased informed that the deceased had been married to the petitioner on 30.10.2019 in as much as the demise of the deceased was within seven years of her marriage, the SDM, Karawal Nagar was informed of the incident and

the dead body of the deceased was preserved in the mortuary of the GTB hospital and the father of the deceased Jerome George and her brother Godson George were produced before the SDM, Karawal Nagar, where Sh. R.L.Meena, the SDM, Karawal Nagar, recorded the statements of the father and the brother of the deceased and gave them to the Investigating Officer. The father of the deceased however stated that he would give a detailed statement to the Investigating Officer after the final rites of his daughter and on 29.2.2020 i.e. the next day of the demise of the deceased, her father gave the statement in the police station to ASI Narender and stated that he had three children including two daughters, i.e., Twinkle and Macklina and one son Godson and that Macklina George was his elder daughter had been married on 30.10.2019 as per Christian rites at the Rosary Church, Kingsway Camp, Delhi, followed by a dinner programme in the evening at Signature Garden, Shyam Vatika, 5th Pusta, Sonia Vihar, Delhi and approximately 2000 people attended the marriage and he had given Rs.5,00,000/- in cash, a gold chain for the groom, one gold ring, one watch and one gold chain and gold ring to the groom's mother and to his daughter Macklina George (since deceased) he gave one gold necklace, two gold rings, 1 gold chain, 2 sets of tops, 1 pair of gold Kundals, 1 set of silver anklets and one set of silver chutkis apart from furnitures and gifts to all the guests in which he spent a total of Rs.25,00,000/- . It was informed by the father of the deceased that despite his having been given so much dowry soon after the marriage his daughter's husband, her mother-in-law Pushpa and sister-in-law Anjali and the petitioner's aunt's daughter Nidhi had

been taunting his daughter and used to tell his daughter Macklina George (since deceased) to get gold jewellery for everyone, a refrigerator and money for enabling Rajesh Lal, the petitioner herein, to start a business. When his daughter refused to get the dowry, they used to beat her and all of them were involved in beating his daughter. It was also alleged in the FIR that they used to lock his daughter Macklina George, the deceased, in a room and did not give her food and that on 4.1.2020 his son-in-law, had beaten his daughter in relation to dowry and dropped her at the house of the complainant. It was inter alia stated in the FIR that all these incidents were told to him by his daughter after which his son Godson had made Rajesh Lal understand and on 13.1.2020 his son Godson dropped his daughter at her matrimonial home at East Rohtash Nagar, Shahdara, Delhi and even after this the above persons as named in the FIR kept demanding dowry and on 11.2.2020 all four of them dropped the daughter of the complainant at the complainant's house at Sonia Vihar. The complainant has alleged further that when Rajesh Lal, i.e., the petitioner herein, came to drop his daughter, the complainant tried to make him understand that he was unable to give any more dowry but Rajesh Lal, i.e., the petitioner herein, did not listen to him and left and thereafter on 26.2.2020 Rajesh Lal, i.e. the petitioner herein, called his daughter (since deceased), the deceased informed him that she was coming to him but Rajesh Lal, i.e., the petitioner herein, said that if she went near him then he would stab her with a knife. It was further stated in the FIR that after that his daughter( since deceased) started staying silent and that on 28.2.2020 whilst the complainant was sitting

with his daughters on the first floor, his daughter Macklina George (since deceased) told him that she was going to take a bath and it was around 11:45(a.m.) at that time and when his daughter did not come back after half an hour, he went with his younger daughter Twinkle George to the second floor and when they reached there they saw that his daughter Macklina George (since deceased) had committed suicide by hanging from the ceiling fan with the help of a stole whom he got down with the help of his younger daughter Twinkle George after cutting the stole from between and opened the knot. The complainant thereafter stated that he rang his son Godson George and had asked him to come and his son came home after 20-25 minutes and made a PCR call and the police reached at his house whereafter the FIR was registered.

4. As per the status report submitted by the State it is indicated that during investigation the statements of other family members of the deceased, i.e., Godson George (brother), Twinkle George (Sister) were recorded who corroborated the statement of Jerome George. The statement of Mohd. Akhtar S/o Abdul Jabbar (a family friend) was also recorded who stated that Macklina George (since deceased) had told him that her husband Rajesh Lal, i.e., the petitioner herein, was pressurizing her to do a job. The statement of Vimla Joshi w/o Kailash Chand Joshi (a neighbour) was also recorded who stated that Macklina George (since deceased) told her that she was not happy with her marriage and her in-laws and the petitioner were demanding dowry. It is further indicated that the bills of jewelry articles and furniture had been verified by the Investigating Agency as well as the

aspect of the marriage party at Signature Garden. The factum of Macklina George (since deceased) having been taken to the IHBAS Hospital on 27.1.2020 and 29.1.2020 by the petitioner Rajesh Lal for a check up was also got verified from the said hospital by the Investigating Agency. Through the status report dated 8.7.2020 it has been submitted that the petitioner has been hiding and avoiding arrest and non-bailable warrants had also been issued against him on 29.6.2020 and that the offence committed by the applicant is heinous in nature and that the application filed by the applicant seeking anticipatory bail is strongly opposed on behalf of the State. The said status report dated 8.7.2020 indicates that Pushpa Lal (Mother-in-law) and Nidhi (maternal sister-in-law) had filed an application for bail in the Sessions Court and it has been ordered therein that they be given a three days' notice before arrest.

5. The State has also placed on record the copy of the postmortem report as well as the statements of Jerome George, the father of the deceased, Mohd. Akhtar (family friend), Vimla Joshi (neighbour) under Sections 161 of the Cr.P.C. 1973 and the statement of Jerome George recorded before the SDM, Karawal Nagar on 28.2.2020.

6. It is the avowed contention of the petitioner that the complainant and his family members had concealed the factum of the deceased being under psychiatric treatment and that the conversations on the record between the petitioner and the deceased showed that the relations between the petitioner and the deceased wife before her demise were cordial, good, affectionate and loving. It has thus been submitted on behalf of the applicant that there was no reason

whatsoever for the deceased to have committed suicide as sought to be asserted on behalf of the State.

7. It is further submitted on behalf of the petitioner that his uncle had expired on 27.2.2020 as consequence of which he along with his family had gone to the native place of his uncle at Jahangirpur, Jewar, UP and after that the petitioner came back to Delhi as soon as he got to know about the demise of his wife on 28.02.2020. The petitioner has further submitted that he had gone to Jahangirpur, Jewar, UP and after that he was stuck there in the lockdown from 24.03.2020 and thus could come to Delhi on 04.06.2020.

8. The petitioner submits that the contents of the FIR itself indicate that there was no demand of dowry whatsoever at the time of the marriage and all other allegations of dowry demands are false as also the allegations of taunts by the petitioner and his family members. It has further been submitted on behalf of the petitioner that the complainant had never lodged any complaint for any harassment or demand or the cruelty allegedly meted out to his daughter (since deceased).

9. It is further submitted by the petitioner that his sister namely Smt. Anjali Wadhwa, had been granted anticipatory bail vide order dated 19.3.2020 and that the co-accused i.e., Nidhi the cousin sister had been granted interim protection vide order dated 17.6.2020 and likewise Pushpa Lal, the mother of the petitioner, was granted interim protection from arrest vide order dated 27.6.2020. Inter alia the petitioner has submitted that he has sent a complaint to the ACP North-East as well as SHO Police Station Sonia Vihar informing them

about the true facts and circumstances of the death of the deceased, more specifically, about the mental illness of the deceased as well as the good relationship between the petitioner and the deceased with all proofs in the nature of WhatsApp messages and conversations as well as the failure on the part of the concerned public authority to take any relevant action on the complaint filed by him under Section 200 r/w Section 156 of the Cr.P.C., 1973, and that the matter had not been taken up in view of the suspension of work in the subordinate Courts.

10. The petitioner, as observed elsewhere herein above, has placed as Annexure -L (colly) screenshots of WhatsApp conversations between the petitioner and his wife (since deceased) and as Annexure-G, a copy of the complaint made by him, i.e., the petitioner herein, to the DCP Nand Nagri, Shahdara wherein it was *inter alia* stated in this complaint dated 8.6.2020 that after his marriage he had discovered that his wife was suffering from *somniloquy* (a sleep talking disorder) and she used to scream during her sleep and this factum of mental illness was never told to him before the marriage and had been concealed malafidely. It was also submitted through the said complaint by the petitioner herein that his wife was also reluctant to engage with the family members at the matrimonial home and did not partake in any post-marriage rituals as well and often used to remain confined to her room and refused to come out despite multiple requests made by him and his mother and whenever the petitioner asked the deceased about her disorder, the deceased used to become extremely agitated and angry and used to act out by yelling and throwing household articles at the Petitioner and his mother and

despite such harsh circumstances, he accepted his wife as she was and tried with all his abilities to get the deceased medically treated by the best possible doctors and medical team. The petitioner through the said complaint has also submitted that when such events occurred for the first time, he had asked his brother-in-law Godson George about the behaviour of Macklina George (since deceased) who told him that Macklina George (since deceased) was suffering from depression and was also being treated by a family doctor, hearing which the petitioner was shocked and that on 7.11.2019 the father of the deceased had come to the house of the petitioner on the request of the petitioner and his mother to discuss the behaviour of the deceased and that the father of the deceased requested the petitioner to send the deceased back home after every 15 days for her benefit and for the wellbeing of Macklina George (since deceased) the petitioner and his mother agreed without any protest and that thereafter Godson George asked him to send Macklina George (since deceased) back to her parental home for her treatment by the family doctor, he informed Godson that he would get her treated at a good hospital but Godson George refused any such offer and on his insistence Macklina George (since deceased) went to her parental home for her treatment.

11. Inter alia, through the said complaint, the petitioner has further alleged that sometime in the first week of December, 2019, Godson George again took Macklina George (since deceased) back to her parental home for her treatment and when Macklina George (since deceased) returned, the petitioner enquired from her that why she suffered from such episodes of panic and sleep disorders, to which

Macklina George (since deceased) replied to him that she had been physically harassed by her brother and her father for suffering from the illness and they had made her life hell by taunting her about such behaviour and that Macklina George (since deceased) told him, i.e, the petitioner, that her father had even asked her for sexual favours from her and on being denied, used to beat her. It has further been submitted through the complaint stated to have been made by the petitioner to the DCP Nand Nagri that when this was disclosed to him by Macklina George (since deceased), the petitioner decided to stop giving her the medication given to her by her family members and wanted to take this issue up with the family of his wife but she stopped him and made him promise not to confront her family about the same.

12. The petitioner submits through the said complaint that he had decided to stop sending back Macklina George (since deceased) to her parental house after knowing that she was physically assaulted and humiliated by her own parents and brother but Godson George, a lawyer in Delhi, threatened him to face a false case if at any time he did not send Macklina George (since deceased) to their house. The petitioner further submits that the brother of Macklina George (since deceased) also threatened to get him entangled in a rape case after which his life would be over due to which he was afraid and though he wanted to go to the police for reporting the said threat but he was stopped by his wife Macklina George (since deceased).

13. Inter alia, the petitioner has submitted that on 4.2.2020 his family had gone for a wedding of a relative but Macklina George

(since deceased) refused to go with them thus they were asked by Jerome George and Godson to drop her at her parental house and only on being satisfied that Twinkle George, her sister is available at home, he, the petitioner, dropped her there and whilst she was there her brother Godson George got her treated by a doctor, namely Dr.D.K.Gutam and when the petitioner brought her back, he handed over the prescription to the petitioner and also handed over two additional medicines *Venrol* and *Zapiz* prescribed by Dr.D.K.Gautam for depression and panic attacks respectively.

14. The petitioner has further submitted that around 26.01.2020, Macklina George (since deceased) was feeling restless and uneasy and thus he had taken her to the Institute of Human Behaviour & Allied Sciences with the help of a neighbour where she had been prescribed a medicine for sleeping i.e. *Ibuprofene* and a medicine for helping her with uneasiness i.e. *Zolphidem* and when Godson George got to know about this treatment, he got furious and called him and threatened him if he got her treated and went to the extent of saying that "*Humne Ladki Bechi Thodi Hai*" and other slangs which offended him as well as Macklina George (since deceased). The petitioner has further submitted that he and his wife Macklina George (since deceased) had a romantic relationship and in spite of her suffering from a mental illness, he accepted her and cared for her and that she trusted him but she couldn't overcome the problem of not liking to go to crowded places or family gatherings as she was embarrassed to talk about her illness.

15. The petitioner through this complaint has further sought to assert that in the month of February, 2020, his maternal uncle Sh.Chote Lal was suffering from the last stage of cancer and his mother used to visit him often to take care of him and be with him and this led to Macklina George (since deceased) being alone at home for long durations of time which was not liked by Jerome and Godson and they forced the petitioner to send Macklina (since deceased) to their home which the petitioner did not agree to but when the sister of the deceased talked to him and assured him that she would never be away from Macklina George (since deceased) and would not let her suffer what she had suffered before marriage, he dropped her at her parental home on 11<sup>th</sup> February, 2020 and that thereafter he and his wife (since deceased) used to have WhatsApp chats and video calls where she never discussed about her brother or father but always told him that she missed him and how much she loved him and that she wanted to get back home as soon as possible but that his maternal uncle passed away on 27<sup>th</sup> February, 2020 and he had to go to his native place in Jahangirpur, Jewar, Gautam Buddh Nagar for the last rites and ceremonies and has further submitted that on 28 February 2020 in the morning, he received a call from the sister of Macklina George (since deceased) that Macklina George (since deceased) had hung herself from a ceiling fan and passed away at her parental home. The petitioner submits that he and Macklina George (since deceased) were consistently talking during the period that she was at her parental home and that Macklina George (since deceased) had committed suicide due to the cruelty and harassment meted out to her by her

father and brother who are actively involved in the abetment of her commission of suicide and had got a false FIR registered under Sections 498A/304B/34 of the Indian Penal Code, 1860 against him and his family members and that they had also raised an illicit demand of Rupees 20 lakhs for compromising the matter.

16. The petitioner has thus alleged that prima facie offences of abetment of suicide and extortion are made out against Jerome George and Godson George and sought that an FIR was lodged under Sections 384/306/34 of the Indian Penal Code, 1860 against them.

17. The petitioner has also placed on record a copy of an *e-mail* to the office of the learned CMM, North East dated 29.06.2020 that he had lodged a complaint under Section 200 Cr.P.C. along with an application under section 156(3) of the Cr.P.C. for registration of the FIR in view of the suicide of his wife to which a response was received back on 29.06.2020 from the office of the CMM, North East that presently only urgent matters are being heard by the Court and that filing of fresh criminal cases has not yet started and the same would be started very soon.

18. On behalf of the petitioner, reliance was sought to be placed on a catena of verdicts i.e. on ***“M.P. Lohia Vs. State of W.B. and Another” (2005) 2 SCC 686*** to contend that in similar circumstances where the deceased- wife was depressed and was under medical treatment and had committed suicide and the in-laws and husband could show documents showing that the relationship between the wife and her husband and in-laws was cordial, the accused was held entitled to the grant of anticipatory bail and it was thus submitted on

behalf of the petitioner that the facts of the instant case were in *pari materia* with the facts and circumstances in “*M.P.Lohia Vs. State of W.B. and Another*” (supra).

19. Reliance was likewise placed on behalf of the petitioner on the verdict of the Hon’ble Supreme Court in *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others*” (2011) 1 SCC 694 with specific reliance on the observations in paragraphs 13 & 14 which read to the effect:-

***“13. It is apparent from the Statement of Objects and Reasons for introducing Section 438 in the Code of Criminal Procedure, 1973 that it was felt imperative to evolve a device by which an alleged accused is not compelled to face ignominy and disgrace at the instance of influential people who try to implicate their rivals in false cases. The Code of Criminal Procedure, 1898 did not contain any specific provision corresponding to the present Section 438 Code of Criminal Procedure. The only two clear provisions of law by which bail could be granted were Sections 437 and 439 of the Code. Section 438 was incorporated in the Code of Criminal Procedure, 1973 for the first time.***

***14. It is clear from the Statement of Objects and Reasons that the purpose of incorporating Section 438 in the Code of Criminal Procedure was to recognize the importance of personal liberty and freedom in a free and democratic country. When we carefully analyze this section, the wisdom of the legislature becomes quite evident and clear that the legislature was keen to ensure respect for the personal liberty and also pressed in service the age-old principle that an individual is presumed to be innocent till he is found guilty by the court.”,***

to contend to the effect that the applicant was entitled to be released on anticipatory bail in the instant case, in as much as, he falls within the ambit and spirit detailed for the grant of anticipatory bail in paragraph 109 of the said verdict, which reads to the effect:-

***“109. A good deal of misunderstanding with regard to the ambit and scope of Section 438 CrPC could have been avoided in case the Constitution Bench decision of this Court in Sibbia Case was correctly understood, appreciated and applied. This Court in Sibbia Case laid down the following principles with regard to anticipatory bail:***

- a) Section 438(1) is to be interpreted in light of Article 21 of the Constitution of India.***
- b) Filing of FIR is not a condition precedent to exercise of power under Section 438.***
- c) Order under Section 438 would not affect the right of police to conduct investigation.***
- d) Conditions mentioned in Section 437 cannot be read into Section 438.***
- e) Although the power to release on anticipatory bail can be described as of an "extraordinary" character this would "not justify the conclusion that the power must be exercised in exceptional cases only." Powers are discretionary to be exercised in light of the circumstances of each case.***
- f) Initial order can be passed without notice to the Public Prosecutor. Thereafter, notice must be issued forthwith and question ought to be re-examined after hearing. Such ad interim order must conform to requirements of the section and suitable conditions should be imposed on the applicant.”,***

and thus submits that the non-grant of anticipatory bail to the applicant, would be in violation of Article 21 of the Constitution of India.

Reliance was also placed on behalf of the petitioner on the observations in paragraph 112 of the said verdict, which reads to the effect:-

***“112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:***

***i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;***

***ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;***

***iii. The possibility of the applicant to flee from justice;***

***iv. The possibility of the accused's likelihood to repeat similar or the other offences.***

***v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.***

***vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.***

***vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;***

***viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;***

***ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;***

***x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”***

and it was submitted that there was no likelihood of the petitioner fleeing from justice and that the applicant would join the investigation and cooperate in the same.

20. Reliance was also placed on behalf of the petitioner on the verdict of this Court in ***“Jagdish Nautiyal Vs. State” 2012 SCC OnLine Del 5940*** to contend to the effect that the severity of the allegations is not the only consideration which would result in denial or grant of bail to an applicant seeking the grant of anticipatory bail, in as much as, wherein in that case the petitioner thereof was employed in the National Human Rights Commission and had a fixed place of residence and thus, there was no chance of his fleeing away from the processes of law and that he had his roots in the society, it was considered appropriate by the Court to grant the anticipatory bail to the applicant.

21. Reliance was also placed on behalf of the petitioner on the verdict of this Court in ***“Jarar Ahmad Khan v. State” 2019 SCC OnLine Del 11418*** to contend to similar effect.

22. On behalf of the State, the prayer made by the applicant/petitioner seeking the grant of anticipatory bail is vehemently opposed submitting to the effect that the statements of the father, brother and sister of the deceased as well as of the neighbours, make it apparent that the deceased was not happy with her relationship with the petitioner and his family members who used to harass her for dowry demands and also beat her for the same.

23. Written submissions to this effect have also been submitted on behalf of the State by the learned APP for the State with the State having put forth the relevant dates and events which are to the effect:-

## **2. RELEVANT DATES AND EVENTS**

| Sr. No. | Date       | Event                                                                                                                                                                  |
|---------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | 30.10.2019 | Marriage solemnized between accused/petitioner Rajesh and Macklina (deceased victim) and dowry was given in marriage.                                                  |
| 2.      | 04.01.2020 | The accused/petitioner left the deceased at her paternal house after giving her beatings.                                                                              |
| 3.      | 13.01.2020 | The deceased returned back to her matrimonial house.                                                                                                                   |
| 4.      | 11.02.2020 | The accused/petitioner left the deceased at her parental house after giving her beatings.                                                                              |
| 5.      | 26.02.2020 | The accused/petitioner Rajesh, called the deceased and when she said she wants to go back to him, the accused/petitioner replied that he will stab her with a knife if |

|    |            |                             |
|----|------------|-----------------------------|
|    |            | she tries to come near him. |
| 6. | 28.02.2020 | Deceased committed suicide. |

24. The State has also submitted that the statement of the complainant Shri Jerome George (father of deceased) before the SDM dated 28.02.2020 wherein he stated that the deceased was harassed and tortured by her husband Rajesh Lal (accused/petitioner), mother-in-law Smt. Pushpa Lal (accused), sisters-in-law Anjali (accused) and accused Nidhi (daughter of the maternal aunt of Rajesh) for not bringing enough dowry and for getting more gold, fridge and money are categorically against the petitioner and cannot be ignored at this stage when the investigation is still under progress.

25. *Inter alia* it has been submitted by the State that the complaint dated 08.06.2020 made by the applicant/petitioner herein against the family members of the deceased, appeared to have been made as an afterthought to escape the process of law and that no documents were placed on the record on behalf of accused/petitioner to prove the conversation between him i.e. the petitioner and Godson George, the brother of deceased.

26. During the course of the proceedings on 10.07.2020, in as much as, the averments made in the petition were to the effect that the petitioner had made no telephone call to the deceased at all on 26.02.2020 as was also submitted vide paragraph 8(xix) of the petition, as it was informed on behalf of the State on 10.07.2020 in reply to a specific Court query in relation to the CDR details of the

mobile of the deceased after instructions from the Investigating Officer of the case that she has called for CDR details of the mobile of the deceased and that the same would be verified within a period of three days and the status report thereafter dated 10.07.2020 was submitted by the State and subsequently, the State also submitted the status report dated 14.07.2020 under the signatures of the SHO, PS Sonia Vihar, wherein, it was stated to the effect:-

***“In continuation of earlier status report, it is submitted the CDR of mobile number of deceased Maclina (9250603808) and petitioner Rajesh Lal (9716461035) has been obtained. After CDR analysis it has been found that petitioner talked on the mobile of deceased Maclina on 26.02.2020 at 8.12 PM for the time interval 95 seconds. Complainant of the case Sh.Jerome George has already stated in his statement that on 26.02.2020, Rajesh Lal called her daughter Maclina and her daughter said that I am coming to you but Rajesh Lal said that if you come near me then I will stab you with a knife.”,***

it was thus contended on behalf of the State/respondent that there were no circumstances or grounds whatsoever for the grant of anticipatory bail to the applicant and that vide order dated 04.07.2020 the learned ASJ-02 (N/E), KKD Courts, Delhi, had not considered it appropriate to grant the anticipatory bail to the applicant rightly.

27. On behalf of the petitioner, it was however sought to be contended that he has been falsely implicated in the instant case. However, in terms of the conversations allegedly having taken place between the deceased and petitioner's family, qua which investigation is to be conducted, there is no ground whatsoever to grant the anticipatory bail to the applicant/petitioner who had even been

allegedly absconding and non-bailable warrants had been ordered against him.

28. Undoubtedly, the WhatsApp calls between the petitioner and the deceased are yet to be verified, however the purported conversation between the petitioner and Godson George, the brother of the deceased indicates prima facie very strained relations between the petitioner and his in-laws family.

29. The aspect of the deceased having committed suicide out of frustration due to her harassment by her brother and father, is an aspect which cannot be determined presently at this stage without the cross-examination of the prosecution witnesses.

30. The factum that the deceased hung herself on 28.02.2020 with the date of marriage of the deceased and the petitioner being 30.10.2019, the requisite presumption in terms of Section 304B of the Indian Penal Code, 1860 r/w Section 113A of the Indian Evidence Act, 1873 and an adverse inference in relation thereto has essentially to be drawn at this stage against the petitioner that the marriage of the deceased having taken place on 30.10.2019 and the demise of the deceased being within a period of seven years of the date of her marriage rather being within a period of one year of her marriage with her erstwhile spouse, makes it apparent that there is no scope whatsoever presently for the grant of anticipatory bail to the applicant in view of the gravity of the allegations levelled against the applicant as also in view of the aspect that the submissions that have been made on behalf of either side have essentially to be tested on the anvil of cross-examination.

31. As regards the reliance that has been placed on behalf of the petitioner on the catena of verdicts referred to herein above, it is essential to observe that the facts put forth in the instant case are not in *pari materia* with the facts of the cases relied upon on behalf of the petitioner.

32. In the circumstances, the prayer made by the applicant seeking the grant of anticipatory bail in relation to FIR No.42/2020, PS Sonia Vihar under Sections 304B/498A/34 of the Indian Penal Code, 1860 is thus, declined.

Nothing stated herein above shall however amount to an expression on the merits or demerits of the case.

**JULY 28, 2020**  
**SV/NC**

**ANU MALHOTRA, J.**

भारतमेव जयते