

\$~13

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

+ BAIL APPL 1817/2020

SMT SALMA

..... Petitioner

Through: Mr.H.S.Dhillon, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Ms.Radhika Kolluru, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

%

28.07.2020

1. The present application has been filed on behalf of the petitioner seeking anticipatory bail in FIR No.442/2020, registered under Sections 498-A/304B/34 IPC at Police Station Sagarpur, Delhi.
2. Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and her son got secretly married to the deceased on 19.05.2017. After marriage, the deceased continued to live with her parents till 11.03.2019 and thereafter, from May, 2019 onwards, the deceased along with her husband started living in a rented accommodation. The petitioner's son and the deceased shifted to petitioner's house in December, 2019. It is submitted that there are no allegations against the present petitioner except the bald averment made by the parents of the

deceased that the petitioner harassed the deceased for dowry. The statements of either of the parents of the deceased do not mention any specific details as to when and what was demanded by the petitioner.

3. It is further submitted that the petitioner's husband is in custody and the petitioner being a lady aged 50 years has a responsibility to look after her two children.

4. Ms. Radhika Kolluru, learned APP for the State, on the other hand, has opposed the bail application. She submits that as per the statement of *Smt. Malti Sharma* (mother of the deceased), the deceased made a call to her in December, 2019 and informed her that her husband and his family members used to harass her. She further submits that even one week prior to her death, the deceased called her mother and informed her regarding the dowry related harassment. The deceased wanted to come back to her parental home. On 09.05.2020, she sent a WhatsApp message to her brother-in-law requesting him to take her back to her parental home. On that day, her husband forcibly brought her back to her matrimonial home and in the night, she committed suicide by jumping from the terrace at the third floor.

5. I have heard learned counsel for the petitioner as also learned APP for the State and have gone through the case records.

6. Looking into the facts and circumstances of the case and the fact that there is no specific demand attributed to the present petitioner in the statements of the parents of the deceased and also on account of the fact that the petitioner is a lady, it is directed that in the event of arrest of the petitioner, she be released on bail on her furnishing a personal bond in the

sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned IO/SHO, subject to the following further conditions: -

- (i) The petitioner shall not leave the NCT of Delhi without the prior permission of the concerned court.
- (ii) The petitioner will not directly or indirectly try to approach the prosecution witnesses or tamper with the evidence.
- (iii) In case of change of address, the petitioner shall promptly inform the same to the I.O. as well as the concerned court.
- (iv) The petitioner will appear before the Trial Court as and when the charge-sheet is filed.

7. The application stands disposed of in the above terms.

MANOJ KUMAR OHRI, J

JULY 28, 2020

‘dc’