

\$~7

\*

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

+

**BAIL APPLN. 2299/2020 & CRL.M.A. 11451/2020**

**DINESH**

..... Applicant

Through: Mr.S.K.Grover & Mr.Manu Minocha,  
Advocates.

Versus

**STATE**

.....Respondent

Through: Mr.Kewal Singh Ahuja, APP for State.

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

**ORDER**

%

**24.08.2020**

**(hearing through Video Conferencing)**

**CRL.M.A. 11451/2020 (Ex.)**

Exemption allowed subject to all just exceptions.

The application stands disposed of.

**BAIL APPLN. 2299/2020**

The applicant vide the present application seeks the grant of anticipatory bail in relation to FIR No.429/2020, PS Sangam Vihar under Sections 306/34 of the Indian Penal Code, 1860 submitting to the effect that the applicant has not committed any act falling within the ambit of Section 306 of the Indian Penal Code, 1860, in as much as, he has not instigated nor conspired in any manner which would result into the brother of complainant of the FIR committing suicide.

The status report dated 23.08.2020 under the signatures of Inspector Vikarm Singh, SHO, PS Sangam Vihar has been submitted by the State. It has been submitted on behalf of the State that the FIR in the instant case was registered on the statement of Pankaj, the brother of the

Signature  
Not Verified

Digitally Signed  
By: SUMIT CHAI  
Signing  
Date: 25.08.2020  
13:29:16  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.

deceased and that on 03.08.2020, he along with his brother Jitendar (since deceased) had gone to the Nehru Place Gas Pump in the auto of the deceased and whilst they were returning after getting the gas filled in the auto, they reached near Pooja Masala, Govind Puri Camp where one white colour Scooty came from the front side and Jitendar's auto i.e. the auto of the deceased got touched to that Scooty, as a consequence of which two boys on that scooty who had fallen because of the bump received some injuries. As put forth through the status report, the boys on the scooty came to hit Jitender (since deceased) who ran away leaving the auto there and the scooty boys caught the complainant namely Pankaj i.e. the brother of the deceased and that those boys were calling each other as Gaurav and Rajender. The said Gaurav and Rajender as per the status report are indicated to have been arrested on 07.08.2020. It is stated further through the said status report that Gaurav and Rajender has also caused injuries to the complainant and had been beating them and had thereafter ran from there.

It is stated through the status report dated 23.08.2020 that on 04.08.2020 the complainant and his brother (since deceased) had gone to the same place to take their Auto, where they learnt that Gaurav's house was at some distance from there, then the complainant and his brother went to Gaurav's house where Gaurav's father Dinesh i.e. the present applicant met them who said that he would not give the Auto and demanded Rs.18,000/-for the expenses of the injuries to his son by the accident and stated that only then they would get the Auto, the complainant did not have that much money because of lockdown and his brother Jitender (since deceased) had purchased the Auto in instalments and had spent all the savings therein and thereafter, the complainant and his brother came back and on the date 5.8.2020, for the third time, the complainant along with his mother had gone to get the auto released by

Signature  
Not Verified

Digitally Signed  
By: SUMIT CHAI  
Signing  
Date: 25.08.2020  
13:29:16  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.

somehow arranging Rs.5000 /- and whilst they were at the house of the applicant, the applicant stated to the complainant that if he would have given him Rs.18,000/- only thereafter, he would tell him where their auto was parked and whilst the complainant along with his mother was going to P.S Govind Puri to make a complaint in relation to this, they received a phone call informing them about the suicide of the brother of the complainant i.e. commission of suicide by hanging himself in the house. It was also stated by the complainant that his brother (since deceased) was the only earning source in their house and had got tensed about how he would arrange Rs. 18,000/- to get the auto released from the applicant. It was further stated by the complainant through the status report that his brother Jitender had committed suicide in pressure because of the demand of money made by the applicant and his two sons.

The status report indicates that there are no adverse antecedents against the applicant and the auto in question has already been recovered. Though, it is strenuously contended on behalf of the State that the commission of suicide by the deceased was pursuant to the act of the applicant and that therefore, the applicant ought not to be released on anticipatory bail, it is reiterated on behalf of the applicant, that the applicant's act could not be contended to fall within the ambit of 'abetment' in terms of Section 107 of the Indian Penal Code, 1860 for commission of suicide by the deceased, in as much as, he had not instigated him to do such thing nor had he intentionally aided for the commission of suicide by the deceased.

Without any observations on the merits or demerits of the trial that may take place in the instant case, taking into account the aspect that there are no previous adverse antecedents against the applicant and apparently no custodial interrogation whatsoever of the applicant is required in the instant case, the applicant is allowed to be released on

Signature  
Not Verified

Digitally Signed  
By: SUMIT CHAI  
Signing  
Date: 25.06.2020  
13:29:16  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.

anticipatory bail in the event of arrest on filing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with directions to the effect that:-

- he shall not leave the city of Delhi;
- he shall join the investigation as and when required by the Investigating Agency;
- he shall keep his mobile on at all times;
- he shall drop his location on the Google map so that his location is available to the Investigating Officer;
- he shall under no circumstances leave the country.
- he shall commit no offence whatsoever and in the event of his being involved in any other case and lodging of FIR or DD entry against him, the State shall bring the same to the notice of the Court forthwith.

The application is disposed of.

**ANU MALHOTRA, J**

**AUGUST 24, 2020**  
*'neha chopra'*

Signature  
Not Verified

Digitally Signed  
By: SUMIT CHAI  
Signing  
Date: 25.08.2020  
13:29:16  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.