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

+ **BAIL APPLN. 2196/2019**

SACHIN PANDEY

..... Petitioner

Through

Mr. Akshay Bhandari, Mr. Chandan
Pandey and Mr. Digvijay Singh,
Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through

Mr. Amit Chadha, APP for State.
IO/SI Avdhesh Dixit, PS Neb Sarai

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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13.02.2020

CRL.M.A. 34994/2019

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2196/2019

The present petition is filed under Section 439 Cr.P.C. for grant of bail in FIR No. 518/2017 registered at P.S. Neb Sarai, South Delhi for offences punishable under Section 304B/498A/406/34 IPC.

The aforesaid FIR was lodged on the complaint of father of the deceased against the petitioner, his father, mother, brother, sister and brother in law wherein it was alleged that accused persons were demanding dowry and harassing deceased due to which she committed suicide.

The petitioner is in judicial custody since 28.09.2017 whereas other five co-accused have been granted anticipatory bail.

It has been stated in the present petition that petitioner and his deceased wife were having cordial relations and were co-habiting happily. But victim was not having cordial relations with other members of the petitioner's family due to which she and petitioner shifted from Gwalior to Delhi. The fact that due to the victim's family's objection to the fights occurring in the house, the petitioner and his wife shifted from Gwalior to Delhi stands admitted in FIR.

It has been further stated in the petition that due to the influence of victim's father, police has concealed the fact that victim had undergone miscarriages several times and was depressed as she was not being able to conceive a child. The medical documents supporting the fact that the deceased was unable to conceive has been annexed as Annexure 'E'.

On the date of incident, petitioner had gone to drop his mother to railway station and on returning, he found his house locked. As no one was opening the door of house, petitioner panicked and started shouting and knocking the door.

The neighbours of petitioner have deposed during inquest proceedings that the petitioner was standing outside his house and knocking the door and shouting as his wife had locked the door and upon opening the door, victim was found hanging from the fan.

Learned APP appearing on behalf of State has opposed the present petition and submits that as per the complaint there was demand of dowry and harassment caused to the deceased. Thus, there are serious allegations against the petitioner. All other co-accused persons who admitted on

anticipatory bail are family members of petitioner, however, present bail application deserves to be dismissed.

The fact remains is that there was no written complaint made or message made by the deceased to any family members of the deceased, prior to death.

It is also not in dispute that victim was suffering from recurring miscarriages and was depressed as she was not being able to conceive a child.

However, without commenting on the merits of the case, I am of the view that petitioner deserves bail as he is in judicial custody since 28.09.2017. Further, charges are yet to be framed, thus trial shall time substantial time.

Accordingly, petitioner shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court. Petitioner shall not influence the witnesses in any manner during trial.

In view of the above, the petition is allowed and disposed of.

Order dasti under signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance

SURESH KUMAR KAIT, J

FEBRUARY 13, 2020

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