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

+ **BAIL APPLN. 2933/2019**

RAJU Petitioner

Through Mr. Dushyant Chaudhary, Adv.

versus

STATE Respondent

Through: Ms Kusum Dhalla, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.01.2020

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0260/2019 under Sections 326/498-A/406/304-B/302/504/34 of the IPC, registered with Police Station New Usmanpur. The petitioner's sister-in-law (wife of the brother of the petitioner's sister) had died of burn injuries. She had recorded a statement prior to her death alleging that her mother-in-law had abused her and in the fit of anger, she poured kerosene oil on herself. Her mother-in-law further egged her on by pointing to the matchbox. She stated that she had picked up the same and lit herself on fire. She stated that her husband had no role to play in the incident.

2. Subsequently, the deceased changed her narration of the incident. She now stated that her sisters-in-law and brothers-in-law were interfering in her married life. She alleged that they used to use abusive language against her and her family members. She stated that she had been set on fire by her

mother-in-law. Her father-in-law was also present at the time of incident. In her declaration, she desired an action to be taken against her parents-in-law as well as her sisters-in-law and their husbands (including the petitioner herein).

3. The petitioner lives separately and was not living in the same house as the deceased. Although there are allegations that the petitioner used abusive language against the deceased, there is no material to indicate that the petitioner was directly involved in the incident. Both the declarations made by the deceased are unambiguous and in both the declarations, the deceased had stated that only father-in-law and mother-in-law were present at the time of incident. A chargesheet has already been filed.

4. A status report has been filed and the same does not indicate that there is any flight risk. The principal material relied upon by the prosecution is the dying declaration and it does not appear that there is any likelihood of the petitioner tampering with the evidence.

5. In the given circumstances, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on bail on furnishing a personal bond in the sum of ₹20,000/-, with one surety of an equivalent amount to the satisfaction of the trial court.

6. The petitioner shall ensure that he is available for all hearings before the trial court. He shall not leave the National Capital Territory of Delhi without the permission of the trial court. The petitioner shall provide contact details to the concerned SHO to ensure that he is reachable at all times. The petitioner shall report to the concerned Police Station (Police

Station New Usmanpur) on first Monday of every calendar month.

7. The petition is disposed of.
8. Order be given *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 23, 2020
DR