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

% **Date of Decision: 07.02.2020**

+ **BAIL APPLN. 3196/2019**

SMT NITU @ RITU & ORS Petitioners

Through: Mr. M.K.Verma, Advocate.
Versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava,
APP for State with Insp.
R.K.Meera and SI Akash
Deep.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of an anticipatory bail application jointly filed under section 438 Cr.P.C. on behalf of the petitioners **Nitu @ Ritu, Priyanka, Ravi Shankar and Raj kumari** in FIR No. 173/2019 u/s. 302/304B/498A/34 IPC, PS Room Nagar.

2. Ld. Counsel for the petitioners has prayed for anticipatory bail on the ground that petitioners are innocent and have been falsely implicated. It is submitted that petitioner no. 1 is 21 years married sister-in-law(Devrani) of the victim. Petitioner no. 2 is 20

years unmarried sister-in-law of the victim and petitioner no. 3 and 4 are father-in-law and mother-in-law respectively of the victim. It is submitted that the main accused Sachin has been arrested and is in JC. It is submitted that initially FIR was registered under Section 304B/498A/34 IPC, however, Section 302 IPC was added later on. It is next submitted that the bail application of the petitioners has been dismissed vide a common order dated 13.12.2019 on the ground that allegations against the applicant/accused are serious in nature and investigation is not yet complete and the custodial interrogation of the applicant/accused is also required. It is further submitted that petitioners are responsible persons and have nothing to do with the alleged offence. There is no likelihood of their interfering with the witnesses or administration of justice and it is, therefore, prayed that in the event of arrest, they be released on anticipatory bail.

3. The anticipatory bail application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioners are serious in nature.

4. I have considered the rival submissions. As per prosecution

version, the FIR bearing no. 173/19 was registered at Police Station Roop Nagar, Delhi, on the statement of the mother of the deceased namely Smt. Longshree wherein she has stated that on 10/07/19, her daughter Suman was married to accused Sachin and they had given sufficient gift articles as per their capacity to them. Before 10-15 days of Diwali, accused Sachin had started residing separately along with victim Suman. It is the prosecution's version that victim Suman had informed her husband that she was suffering from stomach ache, but accused Sachin had not got her treated. Thereafter, the complainant had also talked to Sachin to provide necessary treatment to Suman but he refused on the ground that sufficient dowry was not given at the time of marriage. Thereafter victim Suman had come to her matrimonial house Narora and informed her mother that Sachin is demanding Rs.50,000/ for E-Ricksaw and has been regularly harassing her for the same. However, Sachin had reached Narora (Deceased's maternal home) and took her back to Delhi and again quarreled with her and gave her beatings as a result of which her unborn child got aborted. Thereafter, complainant had come to Delhi and asked Sachin to

allow Suman to go to Narora to get proper treatment but he had not allowed it. On 15/11/19, when the complainant called Suman to ask about her health, she had informed her that she has not been taken for treatment by Sachin till now. After that the complainant had left for Delhi from Narora and during journey, Suman had again called her and informed her that doctors are saying that a Police case is necessary before providing any kind of treatment and on this Sachin has threatened her that, first he would kill her and then will face all the consequences. After some time, mother of Sachin had called the complainant and said that Suman has done something wrong. Thereafter, the complainant had time and again called Sachin. After various calls, Sachin had picked up the call and informed her that Suman had eaten something and she was unconscious. When the complainant reached Deep Chand Bandhu Hospital, her daughter Suman was found dead with a heavy injury on her head. The complainant has alleged that her daughter Suman was killed by her husband Sachin and Mother in-laws Raj Kumar, father-in-law Ravi Shanker, Sister-in-law (Nanad) Preeti and Priyanka and sister-in-law (Devrani) Neetu. During the course of investigation sandals

(having blood), Shawl of deceased Suman and a piece of stone (having blood) was recovered from the place of incident and weapon of offence i.e. Shocker (Iron Rod) was also recovered at the instance of accused Sachin from park and was seized. As per Post-mortem report of the deceased the cause of death was cranio-cerebral damage consequent upon blunt force impact which is sufficient to cause death in ordinary course of nature. Perusal of the facts reveal that allegations against the petitioners are serious in nature. They are involved in the offence under Section 302/304A/498A/34 IPC for dowry death and harassment. The case is at initial stage of investigation. The mobile locations of all the petitioners were found at the scene of crime at the time of incident and custodial interrogation of petitioners is required. In these circumstances, keeping in view the facts of the case and also the fact that custodial interrogation of all the petitioners is required, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 7, 2020/Ak