

(VIA VIDEO-CONFERENCING)

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

Reserved on : 23.07.2021

%

Pronounced on : 26.08.2021

+ BAIL APPLN. 1817/2021 & CRL. M.A. 8241/2021

SUJEET KUMAR

..... Petitioner

Through: Mr. R.K. Thakur, Mr. Nain Talwar,
Mr. Balendu Mishra and Mr.
Rishabh Kr. Thakur, Advs.

versus

STATE THROUGH DELHI ADMINISTRATION Respondent

Through: Ms. Manjeet Arya, APP for the State
with Insp. Mohinder Singh, PS
Shastri Park Metro.

Mr. Anant Kr. Vatsya and Mr. Nand
Kishore Sharma, Advs. for informant.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 10/2020 under Section 304B/498A/34 IPC registered at P.S. Shastri Park Metro.

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2. Briefly stated, the facts of the case are that on 14.08.2020, an information vide DD No. 23A at 03.17 PM, regarding a woman who was not responding inside from Flat No. 316 3rd Floor, Transit Hostel DMRC, Near Shastri Park Metro Station, Delhi, was received in police station Shastri Park Metro, Delhi. The aforesaid DD entry was marked to IO/ASI Vinod Kumar, who had reached the spot along with W/Ct. Anjali. In the meantime, Ct. Sule Chand had also reached the spot, after receiving the aforesaid information. The main door of the flat was found closed from inside and no response was receiving from inside. On this, IO had pushed the door with the help of police staff, Sujeet Kumar (present petitioner), Harish Chander, DMRC Security Guard and Sonu Kumar, the resident of Transit Hostel and had entered in the aforesaid flat. It was found that the wife of petitioner namely Jyoti Kumari was hanging, with the help of blue plastic rope, knotted with ceiling fan and her legs were on two plastic chairs, in the bed room.

3. On making inquiry from petitioner, it came to notice that the marriage of the petitioner was solemnized with Jyoti Kumari, on 14.06.2019. Hence, the SDM/Seelampur was informed on mobile, about the incident. On this, SDM/Seelampur had deputed Sh. Dalbir Singh, Executive Magistrate (Seelampur). Delhi, to take up the proceedings U/S 176 Cr.P.C., who reached the spot and inspected the spot. The photographs of the spot were taken by the photographer of the Mobile Crime Team/NE Distt. Thereafter, the dead body of Jyoti

Kumari was shifted GTB Hospital, Delhi, for further course of investigation. The MLC of the Jyoti Kumari was get prepared in the hospital and the dead body was preserved in the mortuary, GTB Hospital, Delhi.

4. The parents of the deceased were informed telephonically, regarding the incident and the SDM inquiry being conducted. During course of proceedings, the Executive Magistrate (Seelampur), Delhi had recorded the statements of Sh. Sanjay Kumar and Smt. Gauri Rani, the father/mother of the deceased on 16.08.2020. Thereafter, the postmortem of the dead body of Jyoti Kumari, was got conducted by Executive Magistrate (Seelampur), Delhi, on same day in the mortuary, GTB Hospital, Delhi and after postmortem, the dead body of Jyoti Kumari was handed over to the parents and other relatives, for funeral rites.

5. On 17.08.2020, Sh. Dalbir Singh, Executive Magistrate (Seelampur), Delhi had handed over his report vide No. F. NO./TEH/S.PUR/2020/461 dated 17/08/2020, along with the statements of Sh. Sanjay Kumar and Smt. Gauri Rani, the father/mother of deceased Jyoti Kumari, to IO/ASI Vinod Kumar for taking further legal action. On the basis of statement of Sh. Sanjay Kumar, father of deceased Jyoti Kumari, recorded by Executive Magistrate (Seelampur),

Delhi, the present case vide FIR No 10/20 dated 17/08/2020 U/S 498A/304B/34 IPC was registered.

6. I have heard Ld. counsel for the petitioner, Ld. APP for the State and have also gone through the records of this case.

7. It is submitted by the Ld. counsel for the petitioner that as per the last message received by the brother of the deceased, she had committed suicide because she suspected her husband of having relations with different ladies and whenever, she confronted him in this regard she was badly beaten by him. It is further submitted by the Ld. counsel for the petitioner that in the entire suicide note there is not even a whisper of dowry demand by the petitioner or any of his family member. It is further submitted that the entire allegations alleged against the petitioner do not fall within the purview of ingredients of Section 304 B IPC. It is further submitted by him that the petitioner was on duty at the time of the incident and he has been falsely implicated.

8. On the other hand, it is submitted by the Ld. APP for the State that at this stage, the suicide note and the statement of the father of the deceased cannot be read in isolation. There are allegations of demand of dowry. The death has taken place on 14.08.2020 i.e. within 7 years of marriage. The death is an unnatural death and soon before the death the deceased was subjected to cruelty, so it cannot be said that the

ingredients of Section 304 B IPC are not fulfilled in the present case. It is further submitted by the Ld. APP that the material witnesses are yet to be examined and a young girl has lost his life because of the conduct of the petitioner and his family members.

9. The FIR in the present case was registered on the basis of the statement given by the father of the deceased who has categorically stated that at the time of marriage Rs. 15 Lakh were spent on jewellery, furniture etc. and Rs. 4 lakh were spent on the welcome of baraties. No doubt, the father of the deceased states that after six months of the marriage things were normal but according to him as brother of the petitioner has made a house in Delhi, so the petitioner also wanted to have a house in Delhi so he started demanding Rs. 10 Lakh from the deceased. According to the statement of father of deceased Jyoti Kumari, she was even threatened with life when the demand of Rs. 10 Lakh was not fulfilled and he also stated that the petitioner was having illegal relationship with his bhabi Simpy and one another girl at his work place.

10. The brother of the deceased has also produced a voice message recorded by the victim prior to her death which also narrates her mental state and as to how disturbed she was. The material witnesses in this case are yet to be examined. So keeping in view the facts, at this stage, no ground for bail of the petitioner is made out. The bail application is,

therefore, dismissed and Crl. M.A. 8241/2021 is also disposed of accordingly.

11. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

AUGUST 26, 2021

Sumant

