

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2898/2021**

Date of decision: 7th September, 2021

IN THE MATTER OF:

SIDDHANT KUMAR

..... Petitioner

Through Mr. Inderpal Khokhar, Advocate

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through Ms. Kusum Dhalla, APP for State
with Insp. Fateh Singh, PS Fatehpur
Beri

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. This is an application under Section 439 CrPC for grant of bail in FIR No.316/2020 dated 18.08.2020 registered at Police Station Fatehpur Beri for offences under Section 304B and 498A IPC.

2. Material on record reveals that on 13.08.2020, a telephone call was received by ASI Rajkumar that the sister of the informant had committed suicide by hanging herself with a scarf. The information was received vide GD No.59A and the Police reached the spot.

3. The petitioner herein is the husband of the deceased/Mala. It is stated that the deceased was residing at H.No.First Floor, Harijan Basti, Aya Nagar, New Delhi for the past four months and has committed suicide by hanging herself with the scarf. The body of the deceased/Mala was taken to

AIIMS Hospital and vide MLC No.5869/2020, she was declared brought dead.

4. The statements of the mother and sister of the deceased/Mala were recorded. She states that marriage of the deceased was performed as per her wishes in April, 2019. It is stated by the elder sister of the deceased that she received a telephone call from her younger sister Pooja that Mala/deceased had committed suicide. She has stated that when she reached the spot, the body was being taken for post-mortem. She has also stated that husband of the deceased used to harass and beat the deceased for money.

5. It is stated that the deceased had rented a shop in Aya Nagar and after about a month, the petitioner had come to take her back and they both started living in a rented accommodation near the shop.

6. It is stated that the petitioner and the deceased used to quarrel daily and the petitioner had once taken out a knife to frighten her and beat her. It is stated by the elder sister of the deceased that she committed suicide because of the family members of the petitioner.

7. It is stated that the petitioner used to demand money from the deceased and used to harass her. It is also stated that the petitioner never gave any money to the deceased for household expenses, would quarrel with her regularly, and that she was also harassed by his family members. It is stated that the deceased committed suicide because of the harassment meted out to her.

8. Charge sheet has been filed and all the other co-accused barring the petitioner have been granted anticipatory bail.

9. The petitioner has been in custody since 15.08.2020. Charge sheet has been filed and the issue as to whether the deceased was maltreated on

account of dowry is a matter of trial. If convicted, the petitioner would be sentenced to imprisonment for a minimum of seven years which may extend to life.

10. The Supreme Court has laid down the parameters for grant of bail in several cases as follows:

- i. Whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence;
- ii. Nature and gravity of the accusation and the severity of the punishment in the event of conviction;
- iii. Danger of the accuse absconding or fleeing, if released on bail;
- iv. Character, behaviour means, position and standing of the accused;
- v. Likelihood of the offence being repeated, reasonable apprehension of the witnesses being influenced and danger, of course, of justice being thwarted by grant of bail.

Refer to Prashant Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496.

11. The petitioner has roots in society and is not likely to abscond. The likelihood of his influencing the witnesses is remote as the complainants are pursuing the case and there is very little chance of the petitioner repeating the offence again. Considering the fact that charge sheet has been filed and the trial will take a long time, this Court is inclined to grant bail to the petitioner on the following conditions:-

- i. The petitioner is directed to furnish a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- ii. Memo of parties shows that the petitioner is the resident of H.No.512,

Ashok Vihar, Kanshipur, Yamuna Nagar, Haryana. He shall continue to reside at the same address during the period he is on bail. Any change in the above address shall be intimated to the Investigating Officer.

- iii. The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- iv. The petitioner is directed not to tamper with the evidence or influence the witnesses directly or indirectly.
- v. Violation of any of the aforesaid conditions shall lead to cancellation of bail.

12. The application is allowed and disposed of with the above observations.

SUBRAMONIUM PRASAD, J

SEPTEMBER 07, 2021

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