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

+ **BAIL APPLN. 3278/2022**

PRADEEP

..... Petitioner

Through: Mr.Rupesh Singh, Mr.Amit Sharma,
Mr.Satya Veer Singh and Ms.Divya
Yadav, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Amit Sahni, APP for the State.
Mr.Kuldeep Kumar, Mr.Sayed
Nilofar Akhtar, Advocates for the
deceased with mother and brother of
the deceased.

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Date of Decision: 18.07.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present bail application has been filed seeking regular bail in case FIR no.0535 dated 11.10.2021 registered under Section 304B IPC at PS Aman Vihar. The petitioner is stated to be in custody since 12.10.2021.
2. The facts in brief as stated in the status report is that on as stated in brief are that on 10.10.2021 an information vide DD no.64A was received in PS Aman Vihar regarding admission of Archana w/o Pradeep r/o A-33, Balbir Vihar, Delhi as brought dead in SGM Hospital. The statements of the witnesses recorded reveal that Archana

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was alone at home when she committed suicide by hanging from ceiling fan. It is alleged she used a chunni was used to commit suicide. The knife that was used to cut chunni was taken to police possession through seizure memo.

3. The proceedings under 176 Cr.P.C. were conducted and the post-mortem was conducted. Pursuant to this, FIR no.535/2021 dated 11.10.2021 under Section 304B/498A IPC was recorded. The mother of the deceased alleged in her statement that her daughter Archana got married to the Petitioner, Pradeep, on 24.06.2021. It has further been alleged that Pradeep turned out to be an alcoholic and despite given sufficient dowry, he used to demand more dowry and also used to beat the deceased. The petitioner allegedly demanded Rs.1 lakh to start his own work from the deceased. The family of the deceased tried to counsel the Petitioner, however, the situation did not improve. In the statement it was alleged that on account of physical torture, the deceased hanged herself within four months of her marriage with the accused/petitioner. The statement of Shiv Raj, the maternal uncle of the deceased, and Sandeep and Sunil, brothers of the deceased, and Arti, sister in law of the deceased, were recorded. As per the post mortem report, her death was due to asphyxia consequent to ante-mortem hanging. After investigation, the charge sheet was filed, and the charges have been framed under Section 304B IPC and in alternative under Section 302 IPC.
4. Learned counsel for the petitioner submits that there are a total of 23 witnesses out of which only two witnesses have been examined. It has further been submitted that as per the post-mortem report there were no



bodily injuries on the body of the deceased, whether old or new and there was no allegation or harassment of deceased before the death. It has further been submitted that the petitioner was not present at the time of the statement. Learned counsel has also submitted that as per the statement of the witnesses, the door was locked from the inside where the body of the deceased was found hanged.

5. Learned APP has opposed the grant of bail on the ground that it is a serious offence where a young wife committed the suicide after only four months of the marriage on account of the demand of dowry. Learned APP has submitted that the bail may not be granted.
6. Mr. Kuldeep Kumar, learned counsel for the complainant has also submitted that there was constant demand of dowry and the petitioner used to harass the deceased physically. It has further been submitted that the petitioners have even tried to intimidate and threaten the witnesses. Learned counsel for the complainant has submitted that the petitioner even tried to bribe the prosecution witnesses. Learned counsel for the complainant submits that there are also allegations of extra marital relations of the petitioner with his Bhabhi. Further, learned counsel submits that since the remaining public witnesses have to be examined, therefore bail may not be granted.
7. The principals for exercise of discretion in the grant of bail are very well settled. While deciding the bail, the court has to take into account the nature and gravity of the allegations, possibility of the accused threatening the witnesses and the possibility of him fleeing away from the trial. In the present case, the deceased has unfortunately died on account of hanging only after four months of the marriage. It is a



settled proposition that at the stage of bail the court cannot meticulously examine the facts of the case nor can it go into the probative value of the witnesses. The case of the defence is that the room was bolted from inside. The evidence regarding demand of dowry and cruelty are yet to be appreciated. The case of the defence is that the petitioner was not present at the time of incident. The trial is yet to take place. At this stage, it would not be proper to make any comment about the merits of the case. Taking into account that the petitioner is only 22 years of age and is in custody for the last around two years, therefore, the petitioner is admitted to bail on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:

- (i) The petitioner shall not visit the area where the complainant or the witnesses are residing, nor shall he contact with them in any manner
 - (ii) The petitioner shall report to the IO on every Tuesday and Friday at 5 p.m.
 - (iii) The petitioner shall surrender his passport, if any, before the learned trial court.
 - (iv) The petitioner shall provide his mobile number to the IO and shall keep the same operational.
8. With the above directions, the petition stands disposed of.
 9. Nothing stated herein shall tantamount to be an expression on the merits of the case.



10. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

JULY 18, 2023

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