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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 141/2024**  
**RACHEL DASS**

..... Petitioner

Through: Mr.Sachin Bansal & Ms.Sakshi  
Mahajan, Advs.

versus

**GOVT OF NCT OF DELHI**

..... Respondent

Through: Mr.Aman Usman, APP.  
SI Anil Kumar, PS Vijay Vihar,  
Delhi.  
Mr.Harish Kumar Gupta &  
Mr.Gaurav Sharma, Advs. for  
the complainant.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**  
**19.03.2024**

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1. This application has been filed by the Applicant under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for the applicant to be released on Bail in FIR No.0273/2023 registered at Police Station: Vijay Vihar, Rohini District, Delhi, for offence under Sections 304/34 of the Indian Penal Code, 1860 (in short, 'IPC').
2. A Charge-sheet has already been filed, and the applicant has been charged for offence under Sections 304/34 of the IPC. The order dated 16.02.2024 framing charges, passed by the learned Additional Sessions Judge – 05, North-West District, Rohini Courts, Delhi, has



been upheld by this Court in a separate order passed today.

3. The above FIR has been registered based on the statement of the wife of the deceased. In her statement, she mentions that she, along with her husband and other family members, including her sister-in-law (the applicant herein), resides at E-10, First Floor, Phase-2, Vijay Vihar, Delhi. She stated that her husband was an alcoholic and, under the influence of alcohol, he used to quarrel with his family members. She further stated that he was also involved with another woman, and after drinking, he used to fight and abuse his mother as also his sister, who is the applicant herein.

4. One of the co-accused, Yuvraj Singh, used to come to the house of the mother of the deceased for studying in NGO which was run by her mother-in-law. He had earlier also beaten the deceased, on which she had advised Yuvraj not to repeat this act in the future.

5. She stated that in February, 2022, she had gone to her parental house in Kerala, when her mother-in-law debarred her and the deceased from her properties by publishing a notice in the newspaper.

6. She stated that on 10.06.2022, Yuvraj had come to the matrimonial house as on 11.06.2023, it was the death anniversary of her father-in-law, who had died two years prior thereto, and there was a prayer meeting. Another boy, who also used to study in the NGO, namely, Shivam, had also come for the prayer meeting.

7. The prayer meeting ended at around 2:00 PM, and all the guests went to their homes. She stated that at that time, her husband/the deceased asked Yuvraj and Shivam as to when they would be going to their own houses. They reiterated that this has no concern with the



deceased. Thereafter, the deceased started abusing them. At this time, the applicant asked the deceased not to abuse others after drinking.

8. She states that on instigation by the applicant, co-accused Yuvraj caught hold of the deceased through his neck and pushed him to the ground. The other co-accused Shivam and the applicant started beating the deceased with a belt and PVC pipe, respectively. The persons standing nearby informed the police of the incident. The deceased was rushed to BSA Hospital, where, during treatment, he unfortunately died.

9. The learned counsel for the complainant submits that as the complainant and the applicant are residing in the same premises, though on different floors, there is every apprehension that the applicant, in case of being released on bail, would try to threaten and force the complainant to withdraw her complaint.

10. The learned APP submits that one of the eyewitnesses had been earlier threatened at the behest of the applicant. He submits that the Trial is now listed on 05.05.2024 for recording of the prosecution witness statements and charge under Section 506 of the IPC has also been framed against a co-accused, Shivam, vide order dated 16.02.2024 passed by the learned Trial Court.

11. I have considered the submissions made by the learned counsels for the parties.

12. From the above narration of facts, it would be evident that it was a case of sudden fight, which was provoked by the deceased himself by coming in a drunken state to the prayer meeting of the father of the deceased and the applicant herein. It does not appear to



be a case of pre-meditated offence causing of death or giving a beating with an intention to cause death. The applicant has already been in custody since 12.06.2023. She is not reported to have been involved in any other criminal case and has clean antecedents. Her conduct in jail has also been reported to be 'satisfactory', as per the Nominal Roll filed on record.

13. The fear of the complainant that she may be forced or be threatened to withdraw her complaint, can and should be adequately addressed by the police in case any such complaint is ever made by the complainant. For the above reasons, the applicant cannot continue to face incarceration while the trial is pending and is not likely to conclude anytime soon.

14. In view of the above, it is directed that the Applicant be released on Bail in FIR No.0273/2023 registered at Police Station: Vijay Vihar, Rohini District, Delhi on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide her permanent address to the learned Trial Court. The Applicant shall also intimate the Court, by way of an affidavit, and to the IO, regarding any change in her residential address.
- iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.



iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by her without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.

v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses, or tamper with the evidence of the case while being released on Bail. In case the Applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his Bail.

15. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.

16. The application is disposed of in the above terms.

17. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

**NAVIN CHAWLA, J**

**MARCH 19, 2024/rv/ss**

*Click here to check corrigendum, if any*