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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 439/2022**
KALESHWAR @ JAI PRAKASH Applicant
Through: Mr.Pradeep Rana, Mr.Kartik
Gadi, Advs.
versus

THE STATE Respondent
Through: Mr.Aman Usman, APP for
State alongwith SI Mahesh

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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10.01.2024

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973, seeking grant of Anticipatory Bail in FIR No.0367 registered at Police Station: Alipur, Delhi under Sections 306/34 of the Indian Penal Code, 1860.
2. It is the case of the prosecution that on 13.06.2020, an information was received that the deceased had consumed some unknown substance. Subsequently, the deceased unfortunately died on 14.06.2020. On 11.07.2020 a complaint was filed by the mother of the deceased, alleging that her daughter, the deceased, was married to the applicant, who soon after the marriage started demanding a car from the parents of the deceased. The allegations of physical assaults were also made against the applicant and his family members. It was further stated that though the deceased was working as a security guard to support herself financially, she has been tortured by the applicant and



his family members.

3. The learned counsel for the applicant submits that the allegations against the applicant are concocted later, and that the other co-accused have been granted Anticipatory Bail by the learned Sessions Courts.

4. The learned APP for the State submits that the applicant needs to be confronted with the material obtained pursuant to the investigation. He submits that the charges against the applicant are also heinous, therefore, he should not be granted Anticipatory Bail.

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

6. What is relevant is that the allegations in the complaint date back right from June 2010. The FIR was registered almost two months after the date of the incident; the complaint of the mother of the deceased itself being after almost one month of the incident. It is also not asserted that the applicant has not joined the investigation or is not co-operating with the same. Three years have passed since the registration of the FIR.

7. Keeping in view the principles enunciated by the Supreme Court in *Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.*, (2011) 1 SCC 694, and the above facts, the Court is of the considered opinion that the applicant is entitled to grant of anticipatory bail.

8. Consequently, in the event of arrest in relation to the above FIR, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like



amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

- (i) that the applicant will join investigation as and when directed, in writing;
- (ii) that the applicant shall not leave National Capital Territory of Delhi without intimating the IO/SHO concerned;
- (iii) that the applicant shall not, directly or indirectly, try to contact/influence the complainant or any other witness(s) or tamper with evidence of the case; and,
- (iv) that the applicant shall furnish his mobile phone/landline number and residential address to the IO/SHO concerned and shall keep his mobile/landline phones operational at all times during this period, and in the event of any change of the same, will immediately inform the same to the IO/SHO.

9. The Application is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 10, 2024/Arya/RP

Click here to check corrigendum, if any