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

+ **BAIL APPLN. 747/2023**

MANDEEP

..... Petitioner

Through: Mr. Biju Shankar, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Ankur Police Station
Nihal Vihar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.03.2024

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1. The present petition has been filed seeking regular bail under Section 439 Cr.P.C. read with 482 Cr.P.C. in connection with FIR No. 634/2022 under Sections 304B/498A/323/509/34 IPC registered at Police Station Nihal Vihar.

2. The case of the prosecution is that on 19.05.2022, the father of the deceased visited the matrimonial home of the deceased after the deceased called her mother and stated that her in-laws are demanding money. The father of the deceased tried to pacify the in-laws of the deceased and then went back to his home. Subsequently, the family members of the deceased received a call from the brother-in-law (petitioner herein) of the deceased who told them that the deceased has hanged herself and has committed



suicide. This led to the registration of the FIR.

3. The learned counsel for the petitioner submits that the present petitioner is the brother-in-law (*devar*) of the deceased and he has been roped in, because he was the only male person available at home at that point of time as he was sleeping after having attended to his duty of night shift.

4. He submits that the brother of the petitioner, who is the husband of the deceased namely, Manish has already been granted bail by this Court *vide* order dated 10.11.2023 passed in BAIL APPLN. 746/2023.

5. He further submits that the parents-in-law were not arrested at any point of time and the chargesheet has been filed without their arrest.

6. He submits that the allegations against the present petitioner, as well as his parents, are identical in nature. The petitioner is in custody since 22.05.2022 and as the chargesheet has been filed and the trial is underway, therefore, the custody of the petitioner is no more required.

7. He further submits that the prosecution has cited as many as 23 witnesses and till date only 03 witnesses have been examined, therefore, the trial is going to be a protracted one.

8. He, therefore, urges the Court to enlarge the petitioner on bail.

9. *Per contra*, learned APP for the State has argued on the lines of status report.

10. I have heard the learned counsel for the petitioner, as well as, learned APP for the State and have perused the material on record.

11. It is not in dispute that the husband of the deceased has already been enlarged on bail by the order of this Court dated 10.11.2023. Further, the parents-in-law of the deceased were not arrested at any point of time and the



chargesheet was filed without their arrest. The allegations against the parents of the petitioner and other co-accused are similar in nature.

12. The petitioner is already in custody since 22.05.2022. The investigation is complete and trial is underway, therefore, no useful purpose will be served in keeping the petitioner behind bars.

13. On a query posed by the Court, the learned APP fairly states that the petitioner does not have criminal record.

14. It is not the case of the prosecution in the Status Report that the petitioner is a flight risk. In any case, appropriate conditions can be put to ensure that the petitioner is available to stand the trial.

15. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave the Delhi/NCR without prior permission of the Court.
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- c) Petitioner shall provide mobile numbers to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.



16. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.
17. The present bail petition is disposed of.
18. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
19. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

MARCH 15, 2024

N.S. ASWAL