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

+ **BAIL APPLN. 632/2024**

KARAN UPADHYAY

..... Petitioner

Through: Mr. Hiren Sharm, Mr. Vimal Tyagi,
Mr. Tushar Ahuja and Mr. Balaji
Pathak, Advocates.

versus

STATE

..... Respondent

Through: Mr. Hemant Mehla, APP for the State
Insp. Yogendra Kumar, PS Punjabi
Bagh.
Complainant through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.03.2024

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1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 579/2023, under Sections 498A/304B/34 of the IPC, registered at P.S. Punjabi Bagh.
2. The present FIR was registered at the instance of Mr. S.K.Mishra, ASI BSF (father of the deceased) wherein allegations have been made with regard to the dowry demand qua the present applicant and his family members. It is submitted that after investigation, chargesheet has been filed before the Court of competent jurisdiction.
3. Learned counsel appearing on behalf of the applicant submits that during the pendency of the aforesaid proceedings the father of the deceased, i.e., ASI S.K.Mishra has entered into a settlement agreement dated 05.02.2024 with the parents of the present applicant, in pursuance of which he has no objection if the present application is allowed and subsequently if



the present applicant is granted bail. It is further submitted that in the said agreement it is stated that the present FIR was registered out of aggression after the death of the daughter of the complainant/ASI S.K. Mishra, namely, Late Ms. Priya Mishra. Learned counsel appearing on behalf of the applicant further draws attention of this Court to orders passed by co-ordinate benches of this Court in BAIL APPLN. 1790/2022 dated 19.07.2022 and BAIL APPLN. 1587/2022 dated 02.11.2022, wherein bail has been granted in similar circumstances.

4. Learned APP for the State, on instructions from the Investigating Officer, submits that the said agreement has been verified.

5. ASI S.K.Mishra, currently posted at Gujarat Border, BSF is present through video conferencing confirms the aforesaid and submits that he has no objection if the present application is allowed.

6. It is submitted that the present applicant has been in judicial custody since 05.09.2023 and the chargesheet in the present case has been filed.

7. In view thereof, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in 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 is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
8. The application is allowed and disposed of accordingly.
9. Pending application(s), if any, also stand disposed of.
10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 20, 2024/sn