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

+ **BAIL APPLN. 711/2024**

DINESH YADAV

..... Petitioner

Through: Mr.Ravi Kumar, Mr.Kundan
Chandravanshi and Mr.Siddharth
Chaudhary, Advocates.

versus

STATE OF (NCT OF DELHI)

..... Respondent

Through: Ms.Meenakshi Dahiya, APP for State
with WSI Amrita, PS Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **18.03.2024**

1. This petition is filed under Section 439 CrPC seeking regular bail in FIR No. 45/2023 under Section 498A/406/304B/34 IPC registered at Police Station Anand Parbat.
2. The brief facts of the case are that on 07.07.2021 the marriage of the elder son of the petitioner was solemnized with the deceased Manisha. On 21.01.2023 the deceased Manisha committed suicide which led to the registration of aforesaid FIR.
3. Learned counsel appearing on behalf of the petitioner invites the attention of the Court to the FIR to contend that the allegation of demand and dowry are only against the husband Rajan and no specific allegation has been made against the parents.
4. He submits that the parents of Rajan and the husband of the deceased



were staying separately in Rohini. In support of his contention, the learned counsel has invited attention of the Court to Annexure P2 which is Adhaar Card of the present petitioner, which shows his address of Sector-26, Rohini whereas the incident had taken place at Anand Parbat, Delhi where the deceased was staying with her husband.

5. He further submits that not only the allegations of demand of dowry against the present petitioner are lacking against the petitioner, but at same time there is no mention of any specific date and time when the deceased was harassed by the present petitioner in connection with demand of dowry.

6. He submits that similar general and omnibus allegations have been made against the wife of the present petitioner, who was never arrested and chargesheet has been filed without her arrest.

7. He submits that the petitioner is in custody since 06.02.2023, the investigation is complete and chargesheet has been filed, therefore, custody of the petitioner is no more required.

8. He submits the petitioner has clean antecedents therefore, he urges the Court to enlarge the petitioner on bail.

9. *Per contra*, the learned APP has argued on the lines of the Status Report.

10. For attracting the offence under Section 304B IPC the harassment of the deceased should not only be in connection with the demand of dowry but the same should also be soon before death.

11. In the FIR no specific allegations have been made against the present petitioner as regards demand of dowry. Such an allegation in the FIR is only against the husband of the deceased. Further, no time and date of any kind of harassment meted out to the deceased at the hands of the petitioner and



that too soon before her death has been spelled out in the FIR.

12. The petitioner is also stated to be resident of Rohini whereas the incident had taken place at Anand Parbat, Delhi where the deceased was staying with her husband.

13. That apart, the wife of the petitioner with similar kind of allegations was never arrested at any stage and charge sheet has been filed without her arrest.

14. Further, since the charge sheet has already been filed and the custodial interrogation is no more required, therefore, in the facts and circumstances of the present case, no useful purpose will be served in keeping the petitioner incarcerated for indefinite period to await the outcome of trial, which is not likely to be concluded anytime soon.

15. On a query posed by the Court, the learned APP on instructions from the Investigating Officer, fairly states that the petitioner has clean antecedents. The petitioner is a permanent resident of Delhi, therefore, he does not seem to be a flight risk.

16. Keeping in view the aforesaid circumstances, the petitioner is granted regular 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 learned Trial Court/CMM/Duty Magistrate, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide their mobile numbers to the IO concerned which shall be kept in working condition and they



shall not change the mobile number without prior intimation to the Investigating Officer concerned.

17. The petition stands disposed of.
18. It is clarified that nothing stated above shall be construed as an expression of opinion on the merits of the case.
19. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
20. Order be uploaded on the website of this court.
21. Order *dasti* under the signature of Court Master.

VIKAS MAHAJAN, J

MARCH 18, 2024
VLD