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

+ BAIL APPLN. 759/2024

SONU MOHD. IMRAN Petitioner

Through: Mr.Vima Tyagi, Advocate

versus

STATE NCT OF DELHI Respondent

Through: Mr.Laksh Khanna, APP for State

with Insp. Chetan Singh Meena

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **10.04.2024**

1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.593/2021 registered under Sections 304B/498A/34 IPC Act at P.S. Khyala, Delhi.

2. Learned counsel for the applicant contends that the applicant has been in custody since 10.07.2021 and that all the other co-accused persons, against whom similar allegations have been levelled, have already been released on regular bail. He further submits that though the witnesses have stated that the complainant was harassed and subjected to beatings, however, there is no prior complaint in this regard. He also submits that the prosecution has cited as many as 64 witnesses and till date only 7 witnesses have been examined. In this regard, he has also referred to the bail order of the co-accused persons.

3. Learned APP for the State has vehemently opposed the bail application. He submits that in the present case, the marriage between the deceased and the applicant was solemnised on 21.02.2021 and within 5 months of the same, the deceased committed suicide by hanging. He submits that the witnesses, being family members of the deceased, have supported



the prosecution case on the aspect of alleged demand of motorcycle and that there is consistency in their statements.

4. A reading of the FIR would show that same was lodged on the complaint of *Smt. Sarwari*, mother of the deceased. She has stated that at the time of marriage, demand was raised by family members of the present applicant. Subsequently, this demand has also been attributed to the applicant as well. Learned counsel for the applicant has stated that there is inconsistency in the statement of the mother of the deceased inasmuch as in her initial statement, there was no allegation against the applicant w.r.t demand of dowry at the time of marriage, whereas in her subsequent testimony, she has improvised her statement. The evidentiary value of the statement and the contradictions or improvisation has to be tested in trial.

5. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time. The prosecution has cited as many as 64 witnesses, out of which only 7 witnesses have been examined till date. Evidently, the conclusion of trial is likely to take long time.

6. Keeping in view the aforesaid facts and circumstances including the period of custody as well as the fact that the co-accused persons have already been released on bail and the further fact that all the material witnesses stand examined and only police witnesses remain to be examined, the applicant is directed to be released on regular bail on his furnishing a



personal bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the further following further conditions:-

- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
 - (ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court.
 - (iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
7. The application stands disposed of in the above terms.
 8. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.
 9. Copy of this order be uploaded on the website forthwith.
 10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the observations are only for the purpose of the disposal of the present application.

MANOJ KUMAR OHRI, J

APRIL 10, 2024/na