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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 811/2024

SUNIL CHANDELA

..... Petitioner

Through: Mr.V.R.Dattar, Sr. Adv. with
Mr.Nagendra Kasana,
Mr.Gaurav Verma, Ms.Palak
Munjal, Advs.

versus

STATE

..... Respondent

Through: Mr.Aman Usman, APP with
SI Raghuvbir Prasad.
Mr.Vishal K.Panwar,
Mr.Anupam Sharma,
Mr.Satinder Pal Singh Sehgal,
Mr.Prateek Aggarwal, Advs.
for the complainant.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

07.05.2024

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1. This application has been filed under Section 439 of the Code of Criminal Procedure (in short, 'Cr.P.C.') praying for the applicant to be released on bail in FIR no.354/2023, registered at Police Station: Khyala, for offence under Sections 498A/306/323/34 of the Indian Penal Code, 1860 (in short, 'IPC').
2. It is the case of the prosecution that on 09.07.2023, a PCR call regarding a lady having committed suicide by hanging herself was received at about 8.50 a.m.. On police party reaching the place of occurrence, the applicant, who is the husband of the deceased, met the police officials and told them that his wife had



committed suicide by hanging herself on the third floor. When the officials reached the room, they found that the body of the deceased had been kept on the floor. On inspection of the dead body, ligature marks around her neck were found. A wooden stool was also found lying outside the room. Later, on inspection of the room, a nylon rope tied in a bundle was seen on the iron grill above the door of the room, and cut piece of rope was found outside the room and another cut piece of the rope was found in the wash basin.

3. On completion of the investigation, charge-sheet accusing the applicant of offence under Sections 306/498A/323/34 of the IPC has been filed.
4. The applicant has been in custody since 14.07.2023.
5. The learned senior counsel for the applicant submits that the deceased and the applicant had been married for more than 15 years, and were blessed with three children, aged around 14, 11 and 8 years, respectively. He submits that barring the vague allegations of dowry harassment in the complaint, there is no material on record which would even remotely suggest the same.
6. He submits that though Section 306 of the IPC has been invoked against the applicant, there is also no allegation of the abatement to commit suicide.
7. On the other hand, the learned APP and the learned counsel for the complainant submit that on 08.07.2023, the deceased had called her mother and complained to her about being harassed by her in-laws for dowry.



8. They submit that even before the Police could arrive, the applicant and the other accused had changed the scene of crime and tampered with the same, by not only removing the body but also other material evidences.
9. The learned APP further submits that by inadvertence, the third injury that is a wound found on the cheek of the deceased, was not taken note of in the postmortem report. He submits that there were also bruises/contusions present on her left shoulder and upper arm. He submits that these would in fact suggest a physical harm caused to the deceased before her death.
10. They further submit that there are extra-judicial confessions of the father-in-law of the deceased/father of the applicant, as also of the applicant, confessing to their crimes against the deceased.
11. I have considered the submissions made by the learned counsels for the parties.
12. Though the offence alleged against the applicant is heinous in nature, at the same time, this Court has to only *prima facie* consider the nature of offence and the evidence collected, for the purpose of grant of bail. Reference in this regard is made on the judgement of the Supreme Court in ***Satish Jaggi v. State of Chhattisgarh***, (2007) 11 SCC 195.
13. It is not disputed that the applicant and the deceased were married for more than 15 years and had been blessed with three children. There are also no prior complaints by the deceased or her family members against the applicant. The MLC presently opines that the death of the deceased appears to be suicidal in



nature. The applicant has been in custody since 14.07.2023 and charges are yet to be framed against the applicant. In fact, I have been informed that a protest petition has been filed by the complainant, therefore, the trial is likely to take long.

14. The purpose for keeping an accused in custody is not to punish him but for ensuring his presence during the trial and to face any consequential punishment, if convicted and sentenced. Presently, there is no reason for this Court to believe that there is any chance of the applicant absconding from the process of law or in any manner tampering with evidence or trying to influence any of the witnesses.
15. Keeping in view the above circumstances, the applicant is directed to be released on bail in the abovementioned FIR, on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:
 - i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
 - ii. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his 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 shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the



applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned.

- v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses.
- vi. The applicant shall not communicate with or come in contact with any of the prosecution witnesses or any member of the deceased's family or tamper with the evidence of the case while being released on bail.
- vii. The applicant shall not indulge in any criminal activity.

16. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.

17. The bail application is disposed of in the above terms.

18. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

MAY 7, 2024
RN/RP

Click here to check corrigendum, if any