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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 979/2024**

JITIN

..... Petitioner

Through: Ms. Santosh Dixit, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Shiv Dayal Kumar, P.S.
Harsh Vihar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

30.04.2024

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1. By way of present application filed under Section 439 Cr.P.C, the petitioner/applicant seeks regular bail in FIR No.458/2023, registered under Sections 498A/304B/34 IPC at P.S. Harsh Vihar, Delhi.
2. Learned counsel for the applicant states that the marriage between the applicant and the deceased was solemnised on 14.05.2021 and the deceased committed suicide on 06.08.2023. She has further referred to the statement of PW Harendera Kumar, a perusal of which would show that five days prior to the date of the deceased committing suicide, the family of the applicant had complained about a recording of the deceased with one *Raj Kumar*.
3. The recording was played before the family of the deceased wherein the deceased had admitted speaking to said Raj Kumar. Later on, she had



clarified that the said admission was due to pressure exerted by the applicant's family.

4. Learned counsel further submits that in the present case, charge sheet has been filed and that though the FIR was registered on statement of Rajkumari, mother of the deceased, statements of other family members were also recorded. While in the initial FIR, only allegation of demand of motorcycle has been alleged, however in the supplementary statement of the complainant as well as the statement of other witnesses, the demand for money and gold chain has been added. She lastly submits that out of the wedlock, a female girl child was born in July, 2022, who is presently in the custody of the applicant's mother.

5. Learned APP for the State has opposed the bail application. He submits that in the present case, death has taken place within two and half years of the marriage. He submits that as per the post-mortem report, the death has occurred due to asphyxia as a result of antemortem hanging. He further states that 19 prosecution witnesses have been cited.

6. A perusal of the FIR would show that while allegation of demand of motorcycle was made in the FIR, in the subsequent statement of the complainant and the other witnesses, further allegations of demand of gold chain and money have also been added. Concededly, there is no complaint made in this regard on behalf of the complainant/family members. The charge sheet as well as the statements of prosecution witnesses specify that there was a meeting between the family members of the deceased and the applicant in the context of the phone call recording of the deceased with said Raj Kumar. Even CDR of both the mobiles were collected wherein two phone calls were found to have taken place between them. Further, the



trial is yet to begin.

7. Keeping in view the aforesaid facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer 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.

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

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

10. Copy of the order be uploaded on the website forthwith.

11. 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 same has been expressed only for the purpose of the disposal of the present bail application.

APRIL 30, 2024/ss

MANOJ KUMAR OHRI, J