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

+ **BAIL APPLN. 1427/2024**

ATAR KALI

.....Petitioner

Through: Mr.Paramjeet and Mr.Himanshu
Makkar, Advocates

versus

STATE GOVT. OF NCT DELHI

.....Respondent

Through: Ms.Meenakshi Dahiya, APP for State
with Mr.Jatin Raheja, Mr.Nikhil
Malhotra, Mr.Pushkar Khatana,
Mr.Vishal Tanwar, Mr.Nitin Soni,
Mr.Ashok Hooda, Mr.Akash Khatri
and Mr.S. Nanda, Advocates
alongwith Insp./IO Rajeev and Insp.
Suneel Siddhu, P.S. Mangolpuri

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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01.08.2024

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 739/2023 under Sections 306/304B/498A/34 IPC registered at PS: Mangolpuri.
2. Brief facts as recorded in Bail Application No.3919/2023 may be reproduced for reference:

"2. In brief, as per the case of the prosecution, on 18.07.2023, vide DD No.7A, a PCR call was received at P.S. Mangolpuri "H-930, Mangolpuri, Caller Ki Sister Renu Ko Sasural Walon Ne Pit Pit Kar Maar Diya Hai, Jiski MLC Sanjay Gandhi Me Kati Hui Hai". Upon reaching Sanjay



Gandhi Hospital, it was informed that body had been taken back to residence.

During investigation, it was revealed that deceased got married about six years prior to the date of incident. Brother of deceased in his statement recorded before Sub Divisional Magistrate alleged that his sister Renu (deceased) had a love marriage with 'Nandu Yadav' on 25.03.2018. No dowry was demanded at the time of marriage and their relations remained cordial till 2020. However, since deceased was not blessed with a child, her in-laws started harassing her by beating and taunting. Later on, a scooty was purchased in the name of Kavita (sister-in-law of deceased) for which payments of instalments were made by the deceased. He further alleged that in case, instalments were not paid by the deceased, she was harassed by Kavita (sister-in-law), Attarkali (mother-in-law), Prashant @ Pasoudi (brother-in-law) and Nandu (husband). Further, on the fateful day, he was informed by Kavita (sister-in-law of deceased) that Renu (deceased) had fallen from stairs whereas her brother-in-law Prashant informed that she committed suicide. FIR was accordingly registered under Sections 306/34 IPC.

3. *During the course of investigation in the post-mortem report of deceased Renu, it was observed that ligature mark was found on her neck and injury on both hands as well as on chest were also seen. Cause of death was found as 'Asphyxia as a result antemortem hanging'. Sections 304B/498A IPC were invoked during the investigation. It is further the case of the prosecution that at the time of incident, Payal (sister of Renu deceased) was present at the matrimonial home of deceased on account of birthday celebration of the deceased. In her statement, she alleged that around 9.30 p.m., there was a quarrel between deceased and her in-laws over some family issue and she was sent to roof by husband saying that he will settle the differences alone. Thereafter, it was informed by the in-laws of the deceased that she had fallen from stairs."*



3. Learned counsel for the petitioner submits that petitioner is aged about 56 years and is in custody since 10.11.2023. He further urges that allegations have been subsequently concocted and no allegations of demand of dowry were reflected by the deceased in her complaint dated 04.04.2021, forwarded to Delhi Commission for Women (DCW). He also points out that vide order dated 10.04.2024, anticipatory bail was granted by this court to co-accused, Kavita (sister-in-law of deceased), Prashant Yadav (brother-in-law of deceased) and Radhey Shyam Yadav (father-in-law of deceased). He emphasizes that statement of sister of deceased, namely Payal, who was present on the alleged date of incident in the same premises was recorded only after a delay of about 02 months.

4. On the other hand, application is opposed by learned APP for the State.

5. Vide order dated 10.04.2024 in Bail Application No.3919/2023 and connected applications, passed by this Court, co-accused, Kavita, Prashant Yadav and Radhey Shyam Yadav were admitted to anticipatory bail. Observations in para 6 may be beneficially reproduced:

“6. I have given considered thought to the contentions raised.

Admittedly, as per FIR, marriage between deceased Renu and Nandu was a love marriage wherein no demand for dowry was made as stated by brother of deceased. The allegation which has been alleged by him is that after about two years of marriage since the deceased was not blessed with a child, her in-laws used to harass and beat her. He further alleged that instalments of the scooty purchased in the name of Kavita (sister-in-law of deceased) were paid from the account of her deceased sister Renu.

It is pertinent to notice that in her complaint sent to Delhi



Commission for Women on 19.01.2023, deceased Renu merely alleged that her sister-in-law Kavita did not speak to her properly and also assaulted her. Similar allegations were also made against the mother-in-law Attarkali. However, no allegations of demand of dowry were made by the deceased against her in-laws. Similarly, no allegations regarding demands for dowry were made by her in complaint dated 04.04.2021 to the Delhi Commission for Women. It appears that the allegations of dowry demand have only cropped in supplementary statements. It has also come up on record that the statement of Payal (sister of deceased) was not recorded on the date of alleged incident though she was present in the premises and her statement has been subsequently recorded on 21.09.2023 after considerable delay of nearly two months.”

6. Petitioner is in custody since 10.11.2023 and is no longer required for purpose of investigation, since chargesheet has already been filed. The conclusion of trial is likely to take some time. Considering the totality of the facts and circumstances, and in view of observations in para 5 above, petitioner who is a lady aged about 56 years is admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioner shall not threaten or influence any witnesses in any manner.
- (ii) In case of change of address, petitioner shall intimate / communicate her fresh addresses to the IO / SHO concerned as well as learned Trial Court.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this order be sent to the Superintendent Jail and concerned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 01, 2024/v