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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4133/2023

SMT. RUKSANA

.....Petitioner

Through: Mr. Vishnu Dutt Sharma, Mr. Mohd. Fasih Shahzed, Mr. Vijay Pratap Singh and Mr. Pradeep Kr. Sharma, Advocates

versus

STATE (G.N.C.T. DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State Mr. Amit Rana, Mr. Ankit Singh, Mr. Danish Ali, Advocates for respondent No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.08.2024

1. The petitioner has preferred the present petition seeking setting aside of the order dated 29.04.2023 passed by learned Addl. Sessions Judge-03, North West Distt, Rohini Courts in Bail SC No.1038/2022 whereby respondent No.2 was admitted to bail in FIR No.908/2022 registered under Sections 498A/304B/34/323 at P.S. Subhash Place.

2. Notably, the deceased and respondent No.2 used to like each other and solemnized their marriage on 12.05.2021 in Court. The present case came to be registered with respect to an incident dated 09.08.2022. On the day of the incident, GD entry being DD No.0101A was recorded at the instance of the complainant (mother of the deceased) at about 21:41 PM. wherein it was stated that the mother-in-law and sister-in-law of the



deceased had quarreled with her.

3. The present petition has been premised on the ground that the Sessions Court admitted respondent No.2 on regular bail without considering the gravity of the offence and nature of accusations. The death had taken place within 1 ½ years of the marriage and there were categorical allegations of dowry demand. Further, the order on charge records that it was alleged that the in-laws of the deceased were advising her to claim her share in the consideration money of the house which was sold by the father of the deceased.

4. Learned counsel for respondent No.2 has resisted the present petition. It is contended that in the inquest proceedings, the statement of the complainant was recorded where no demand of dowry was mentioned. A vague and general allegation has crept in that too by way of an interpretation. It is stated that besides respondent No.2, the other family members have also been roped in on the basis of vague and general allegations considering which all the accused persons have been released on bail vide separate orders. Learned counsel in particular has referred to the order of co-accused *Anwari* as well as *Heena* passed by this Court.

5. This Court while considering the bail application of co-accused *Heena* noted the observations of Coordinate Bench while releasing the co-accused *Anwari* on bail. The relevant extract of the order is as under:-

4. A perusal of record would show that the deceased had an affair with Shakil pursuant to which they solemnized their marriage. On the date of the incident, a GD entry being DD No.0101A was recorded at the instance of the complainant at about 9.41 pm wherein it was stated that the mother-in-law and sister-in-law had a quarrel with the complainant. A perusal of the bail order of co-accused Anwari would show that the Co-



ordinate bench had noted that after the marriage, the deceased had resided in the matrimonial home for more than a year prior to the date of the incident and there was no dowry exchanged anytime then or till the date of the incident since the marriage. Although there have been allegations that the deceased was made to do household chores but except for one line in the statement of mother of deceased, there are no specific allegations of dowry demand against the present applicant.

5. Insofar as the incident of 09.08.2022 is concerned, the said quarrel took place at the spot between the applicant and the mother of the deceased. It is not stated that the said incident is on account of any demand for dowry."

6. Allegations of dowry demand have crept in later in the complainant's statement recorded under Section 161 Cr.P.C. The petitioner's contention that the bail application heard by the Sessions Court was without the presence of the I.O. is also of no significance as the State was represented through learned APP, who opposed the bail application. In fact, on the very same day, charges were also framed against respondent No.2 and other accused persons.

7. A perusal of the record would show that on the day of the incident, an altercation ensued between *Heena* and the complainant (mother of the deceased). The said incident, however, has not occurred on account of any dowry demand.

8. Considering the totality and facts and circumstances of the case, I find no ground to entertain the present petition. Accordingly, the same is dismissed.

MANOJ KUMAR OHRI, J

AUGUST 9, 2024/na