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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2276/2023 & CRL.M.A. 4319/2024 (Add. Document)**
MANOJ KUMAR Petitioner

Through: Mr. Ankit Negi, Mr. Naveen Gaur &
Mr. Arun Kumar, Advocates.

versus

STATE Respondent

Through: Mr. Mukesh Kumar, APP for the
State with SI Vikash Tomar, P.S.
Wazirabad.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

% **ORDER**
09.02.2024

1. The present application under Section 439 read with Section 482 of the CrPC seeks regular bail in case FIR No. 737/2022 under Sections 498A/304B/306 of the IPC registered at PS Wazirabad.
2. The case of the prosecution, as stated in the status report authored by Sh. Virendra Kumar, SHO, PS Wazirabad, is as under:

“1. The brief facts of the matter are that on 03.09.2022 an information vide DD No. 50A was received at PS Wazirabad regarding suicide by a lady. It was marked to ASI Mukesh Kumar for further necessary action. ASI Mukesh Kumar along with HC Bhagirath No. 1749/N reached on the spot i.e.H.No. 170, Gali No. 9, Shiv Kunj, Sant Nagar, Burari, Delhi, where the deceased Shobha w/o Manoj, aged 24 was lying on the bed inside a room located at first floor of the aforementioned address. There was a red ligature mark on his neck &



both eyes of the deceased were open. Upon enquiry it came to noticed that the marriage of the deceased Shobha was solemnized on 21.05.2021 with Manoj S/o Raju Ro H. No. 170, Gali No. 9, Shiv Kunj, Sant Nagar, Burari, Delhi. There were no children from his marriage. In this regard, the aforesaid information was given to the area Exe. Magistrate Mr. Anil Kumar Agarwal from the spot. During enquiry, it was found that on the intervening night of 02-03.09.2022, the deceased had slept in her room and around 12:30 am (midnight 02-03.09.2022), her husband Manoj had also come from outside and slept in the same room. On 03.09.2022, Manoj woke up at around 10:30 am and saw that his wife was hanging with the help of brown chunni from the ceiling fan of their room. 2. During enquiry, it came to notice that the family members cut the chunni and laid her body on the bed and untied the knot of chunni tied around his neck. CAT Ambulance Whiskey-13 also came at the spot and body was declared dead by the IC CAT Ambulance. After that EO/ASI Mukesh secured the spot and called the crime team and got the spot inspected and photographed by the help of district crime team. After the inspection, pieces of chunni were seized & taken into police possession by ASI Mukesh.

2. On 04.09.2022, the family members of the deceased came to Sabzi Mandi Mortuary Delhi and Exe. Magistrate Mr. Anil Kumar Aggarwal recorded the statements of said Ram Kishan (father) s/o Rishal Singh R/o Tukali, district Baghpat, UP age 70 years and Doli (sister) wife Rohtash R/o Hanuman Mandir WaliGali Sector-44 Noida, UP. The family members leveled allegations of demand of dowry and cruelty against the in-laws. After that on the order of Ex. Magistrate, the post mortem of the above mentioned deceased got conducted vide PM No. 1245/22 and dead body handed over to his family members. After post mortem, viscera of the deceased, blood sample and sample seal, were taken into police possession. In view of the above facts and circumstances, the present case vide FIR No. 737/22 dated 06.09.2022 U/s 498A/304B IPC registered at PS Wazirabad, Delhi.”

3. Learned counsel for the applicant, at the outset, draws the attention of this Court to the suicide note written by the deceased and placed on record by the prosecution alongwith the chargesheet. It is submitted that a perusal of the said suicide note clearly reflects that the deceased committed suicide on account of the applicant’s alleged addition to drugs/alcohol and not on



account of cruelty or a demand of dowry. Learned counsel for the applicant submits that the FIR in the present case was registered at the instance of the father of the deceased who has since been examined before the learned Trial Court. It is submitted that in his testimony recorded before the learned Trial Court, the complainant/father of the deceased has not supported the case of the prosecution in respect of a demand of dowry.

4. Learned counsel for the applicant submits that investigation in the present case is complete and the chargesheet stands filed. The trial is ongoing and the complainant in the case has been examined. It is submitted that the applicant has been in judicial custody since 15.02.2023 and no useful purpose will be served by keeping him in judicial custody any further.

5. Learned APP for the State, on instructions of the Investigating Officer, submits that in his testimony recorded before the learned Trial Court, the complainant/father of the deceased has not supported the case of the prosecution.

6. Heard learned counsel for the parties and perused the record.

7. It is an admitted fact that the complainant/father of the deceased has not supported the case of the prosecution in his testimony recorded before the learned Trial Court. When asked about the reason for his deceased daughter committing suicide, he stated that she did the act due to mental instability and that she had not disclosed anything to him. Under cross-examination, the said witness has further not supported the case of the prosecution with respect to a demand of dowry. It is also an admitted case that the suicide note written by the deceased does not say anything about a dowry demand.

8. The investigation in the present case is complete, the chargesheet



stands filed and the trial is ongoing. The complainant has been examined. The applicant has been in judicial custody since 15.02.2023 and no useful purpose will be served by keeping him in custody any further.

9. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in 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 is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The application is allowed and disposed of accordingly.
11. Pending applications, if any, also stand disposed of.
12. Needless to state, nothing stated hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.



14. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 9, 2024/bsr