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

+ **BAIL APPLN. 2502/2022**

VIKAS

..... Petitioner

Through: Ms. Annwasha Deb and Mr. Rahul
Kumar, Advs.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Bhanwar Lal, P.S. South
Avenue and SI Jaipal Singh, P.S.
Kotwali, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

11.01.2024

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1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 48/2021 under Sections 498A/306/34 of the IPC, registered at P.S. South Avenue.
2. The present FIR was registered on a complaint made by the father of the deceased on 26.09.2021.
3. As per the status report dated 21.03.2022 authored by Insp. Banwari Lal, SHO/PS South Avenue, the case of the prosecution is as under:-

“On 26/09/2021 The complainant came to police station and gave his statement that" Statement of Sh. Ompal Singh S/O Shri Jile Singh R/O H.No. D-47 Gali No.4 Sanjay Mohalla Bhajanpura Delhi-53, Age-63 Years Tel No. 9211649187 stated that I live at the above address and do a private job. I have a son and a daughter. I married my daughter Sonia age 36 years on date 9-12-



2012 with Vikas S/o Subhash R/O H No- 33 Narmada Apartment Rashtrapati Bhavan, New Delhi according to Hindu customs and rituals. The in-laws of my daughter Sonia used to harass her since her marriage. My daughter has two boys. One boy is Mohit @ Kanha age 7 years and another boy Vasu @ Akshit age 4 years. In March last year, my daughter was thrown out of the house by her inlaws. I and my wife Usha came to Sonia's house on the same day. Sonia's mother-in-law Angrejo and father-in-law Subhash started saying that take your daughter from our house and we are very unhappy. If she dies somewhere, we will be free from her. I and my wife Usha took our daughter Sonia to our home. after 15 days we sent back again my daughter Sonia to her in-laws house. After that on August 16, 2021, my daughter herself came to our house with her children and she told that my husband Vikas comes to house in drunken condition and beats me everyday and abuse me and my mother in law also do the same. My father-in-law Subhash also beats and abuses me every day after drinking alcohol and she told that my brother-in-law Arpit also abuses me and tortures me mentally and physically. After that my daughter Sonia again went back to her in-laws house after a week. On 25-9-21 my daughter Sonia's mother-in-law's called on my phone at around 10 o'clock that your daughter Sonia is abusing me. You come now. After that at around 11 o'clock on the same day my daughter Sonia informed me on mobile that Papa, you come now, Vikas is beating me and will kill me and my mother-in-law is also abusing and quarreling with me. I told my daughter that I will come tomorrow. My son-in-law also said that you will come tomorrow. At around 7 pm, I received a phone call from police that you come to Rashtrapati Bhavan, your daughter Sonia was found hanging from the ceiling fan in the room of her house with a Chunni. Yesterday, on the night of 25/9/2021, around 9 o'clock in the night, my wife Usha and I came to the house of our daughter Sonia, where we came to know that my daughter Sonia has hanged herself by tying a chunni through the ceiling fan, who has died. My daughter Sonia's husband Vikas used to beat her every day after drinking alcohol my son-in-law Vikas do not have any job and he is addicted to drinking, he used to force my daughter that either get money by doing job or bring alcohol by taking money from her



house. Many times my daughter's mother-in-law Angrejo and father-in-law Subhash used to call at night asking me to come and take my daughter, Get us rid of this girl. My daughter Sonia's husband Vikas, her mother-in-law Angrejo and her father-in-law Subhash and her brother-in-law Arpit used to beat, abuse and harass her every day. My daughter Sonia was harassed by her husband Vikas, mother-in-law, Angrejo, brother-in-law Arpit and father-in-law Subhash by abusing, harassing and beating. They have tortured my daughter Sonia mentally and physically. She must have been forced to commit suicide. Legal action should be taken against the in-laws of my daughter Sonia. Accordingly, an FIR U/S 498A1306/34 IPC dated 26/09/2021 was registered at PS South Avenue and investigation is handed over to SI Jaipal.”

4. Learned counsel for the applicant submits that in the present case all the material witnesses have been examined before the learned Trial Court. It is further submitted that the applicant has two minor children, who are presently living with the mother of the applicant. It is further pointed out that all other co-accused persons have already been granted bail.
5. *Per contra*, learned APP for the State, submits that allegations in the present FIR are serious in nature and consistent allegations have been made by father of deceased with regard to harassment by the present applicant alongwith co-accused persons including his parents.
6. Heard learned counsel for the parties and perused the record.
7. Learned APP for the State submits that material witnesses have been examined in the present case.
8. The applicant has been in custody since 26.09.2021. Admittedly, the minor children are with the mother of the applicant.
9. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a



personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave NCT of Delhi 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 application, if any, also stand disposed of.
 12. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 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

JANUARY 11, 2024/nk