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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 29.05.2024***Pronounced on: 30.05.2024***

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BAIL APPLN. 1941/2024

RUKHSAR

..... Petitioner

Through: Mr. Dheeraj Malhotra & Mr.
Vishal Verma, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the
State with Mr. Sandeep Kumar
& Ms. Shivangi Sharma,
Advocates & Inspector
Mukesh Yadav, P.S.: Tigri.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.**

1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of petitioner seeking grant of anticipatory bail in case FIR bearing no.87/2024, registered at Police Station Tigri, Delhi for offences punishable under Sections 304-B/34 of Indian Penal Code, 1860 ('IPC').

2. Briefly stated, facts of the present case are that the marriage between the accused Amir Khan and deceased was solemnized on 28.11.2024 as per Muslim rites and ceremonies. It has further been



alleged that an amount of Rs 5 Lakhs was spent by the complainant on the marriage, and goods amounting to Rs. 1.5 lakhs was given to the accused persons as dowry. It has been alleged by the complainant, i.e. mother of the deceased, that just after 10-12 days of the marriage of her daughter, the husband of the deceased had demanded a car from the complainant as dowry. It has further been alleged by the complainant that they had also given a phone as gift to the husband of her daughter. Further, the husband of her daughter used to give her beatings, and had also tried to strangle her neck. It has also been alleged by the complainant that the mother in law and sister in law of the present petitioner used to beat her, and had also given electrical shocks to her. The complainant had further alleged that just one day prior to the death of the deceased, the complainant had received a call from her deceased daughter saying that her mother in law, and sister in law, were beating her on the pretext that she belongs to a poor family. The complainant had then received a call next day from her elder daughter informing her that her daughter has been killed.

3. Learned counsel appearing on behalf of the applicant argues that the present applicant/accused has been falsely implicated in the present case, and has no role in the alleged beating and subsequent death of the deceased. It is further submitted that the present applicant/accused has been living separately on the third floor of the property since her marriage, whereas the remaining family including the deceased used to live on the ground and the first floor of the property. It is also stated that the just after two days of the marriage



of the deceased and accused Amir, they had left the matrimonial home and had gone to the parental home, as the brother of the deceased was getting married. It is further argued that the deceased and her husband had returned to the matrimonial home just few days prior to her suicide. It is argued that the petitioner had no interaction with the deceased or her husband. It is also submitted that the applicant/accused has two minor child, one of them is aged less than one year. Thus, the present applicant be granted anticipatory bail.

4. Learned APP for the State, on the other hand, argues that the allegations against the present applicant/accused are serious and grave in nature. It is argued that the present applicant/accused had given beatings to the deceased, one day prior to the death of the deceased. It argued that the present applicant/accused had also given electric shocks to the deceased, for the demand of dowry. It is further submitted that the call detail record supports the case of the prosecution. Therefore, it is prayed that the present anticipatory bail application be dismissed.

5. This Court has heard arguments addressed by learned counsel for the applicant, and learned APP for the State, and has perused material on record.

6. The allegation against the present applicant/accused is that she had given beatings to the deceased, who was her sister-in-law. It has also been alleged by the prosecution that the present applicant/accused along with her mother-in-law had given electric shocks to the deceased due to the demands of dowry. It has also been



stated by the complainant that there were blue line marks on the body of the deceased when she visited her paternal home.

7. This Court after perusing the material on record, notes that as per the statement of the complainant, her deceased daughter had called her on 14.01.2024, i.e. one day prior to her death, and had informed her that she was being beaten by mother-in-law and sister-in-law i.e. the present applicant/accused for the demand of dowry.

8. This Court further notes that during the course of investigation, it was revealed that the present applicant/accused along with other family members had shifted the dead body of the deceased from her in-laws' house i.e. in Delhi to a place in Fatehabad, Agra, Uttar Pradesh without informing the police.

9. Thus, considering the overall facts and circumstances, the seriousness of the allegations, and that non-bailable warrants have already been issued against the applicant/accused, this Court is not inclined to grant anticipatory bail to the applicant.

10. Accordingly, the present anticipatory bail application stands dismissed.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 30, 2024/at