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

+ **BAIL APPLN. 2069/2024**

SHRI SHAKTI@ LALA Petitioner
Through: Counsel for petitioner.

versus

STATE NCT OF DELHI Respondent
Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **15.07.2024**

1. The present Anticipatory Bail Application under Section 438 read with Section 482 of the Code of Criminal Procedure (*hereinafter referred to as 'Cr.PC, 1973'*) has been filed on behalf of the petitioner, Shri Shakti @ Lala, for grant of bail in FIR bearing No. 323/24 under Section 306/34 of the Indian Penal Code (*hereinafter referred to as 'IPC'*) dated 18.04.2024, registered at Police Station Shahbad Dairy.

2. It is submitted in the Petition that the applicant is a peace loving and law abiding citizen of India, who is 31 years old family man having his wife, two minor children and old aged mother. The petitioner is the brother-in-law (*husband of nanad of the deceased*), who had been residing in separate accommodation, at Rajeev Nagar and working with MCD on contractual basis. Prior to the filing of the Bail Application, no notice was ever served upon him by the investigating officers. He has been falsely implicated in the present FIR by claiming that he did not co-operate in the investigations. He



has already co-operated in joining the investigations. Once, the protection from arrest was granted by the learned ASJ while considering his Anticipatory Bail application.

3. It is claimed that he has been falsely roped in on the basis of alleged statement of the relatives of the deceased only to settle personal disputes and there is no truth in the allegations made in the FIR. He is willing to join the investigations in future as and when required. Furthermore, his name has not been mentioned in the FIR. The petitioner has relied on 'Sanjay Chandra vs. CBI', 2012 (1) SCC 40 wherein it has been held that after the completion of the investigation and filing of charge-sheet, there is no good reason to detain the accused in custody. It is further submitted that the petitioner has deep roots in the society and there are no chances of his absconding if the bail is granted. He has not ever been involved in any crime before. Thus, he has sought anticipatory bail in the present FIR.

4. The Status Report has been filed on behalf of the state wherein it was asserted that deceased, Kamini @ Gudiya had committed suicide, after which, her father came to the Police Station Shahbad Dairy and gave a statement, wherein he stated that he and the in-laws of her deceased daughter were not on taking terms. He further alleged that the father-in-law, mother-in-law, sisters-in-law along with husband used to quarrel with the deceased, Kamini @ Gudiya and harass her daily, which made deceased, Kamini @ Gudiya unhappy, who was employed in a company but she was working from home.

5. It was further stated that during investigations, the mother, two brothers and the sister of deceased, Kamini @ Gudiya also alleged that she was being continuously harassed by her in-laws, including the petitioner.



The father-in-law and the husband of the deceased, Kamini @ Gudiya have already been arrested on 30.04.2024

6. The Bail Application is strongly opposed on the ground that the investigations are at inception and the petitioner has been named in the FIR. His name features in the notes left by the deceased. Many witnesses are yet to be examined and the petitioner may threaten or influence them or tamper with the evidence. Furthermore, the detailed allegations have been made by the family members of the deceased.

7. **Submissions heard.**

8. It is the case of the prosecution that the petitioner is the brother-in-law of the deceased. The deceased, Kamini @ Gudiya had got married to Nitin in June, 2015. It was a love marriage against the wishes of the family members of the deceased, Kamini @ Gudiya. Eventually, the parents of the deceased, Kamini @ Gudiya accepted her. However, after marriage, the deceased, Kamini @ Gudiya went to reside in the matrimonial home along with her husband and other family members. In the suicide note, the deceased, Kamini @ Gudiya has stated that she was being continuously harassed by her in-laws but she continued to live in her matrimonial home.

9. Admittedly, there were no dowry harassment allegations. Pertinently, the prosecution has pointed out that the husband, Nitin, (who is presently in judicial custody) of the deceased, Kamini @ Gudiya, in his statement, has also corroborated that his sister, parents and other family members used to create pressure and used to harass the deceased, Kamini @ Gudiya, because of which she was traumatised and emotionally distressed.

10. Pertinently, the petitioner is a brother-in-law of the deceased, Kamini @ Gudiya, who has been living separately in his parental home at Rajeev



Nagar and allegedly there were allegations that he was torturing the deceased as and when he visited the house or otherwise. Moreover, the petitioner has joined the investigations while interim protection was granted to him by learned Additional Sessions Judge, North Rohini Court, Delhi in his application under Section 438 of Cr.P.C, 1973 seeking Anticipatory Bail. Aside from there being generalised allegation of the deceased, Kamini @ Gudiya being harassed by the petitioner in her suicide note, there are no specific acts attributed to him.

11. Considering the petitioner is the brother-in-law of the deceased, Kamini @ Gudiya who has been living separately in his parental house and also that he has joined the investigations and also the prosecution has not sought his custodial interrogation, the present application is allowed. It is directed that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- a) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount from a family member to the satisfaction of the Investigating Officer/Arresting Officer.
- b) The petitioner shall furnish to the Investigating Officer a cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times,
- c) If the petitioner has a passport, she shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of this court;



- d) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

12. With the above directions, the Petition is disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 16, 2024/RS