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

+ **BAIL APPLN. 2146/2024**

MAHENDRI DEVI

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani
Gehlot, Ms. Roopa Nagpal, Mr.
Sidharth Khokhar, Advocates.

versus

STATE -GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
Insp. Mukesh Rana, Krishna Nagar,
SI Pramod Kumar, PS Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

16.07.2024

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1. The present application under Section 438 Cr.P.C has been filed by the Petitioner for grant of bail in the event of arrest in FIR No.311/2021 dated 30.06.2021, registered at Police Station Krishna Nagar for offences punishable under Sections 498A/304B/34 IPC.

2. The Petitioner herein is the mother-in-law of the deceased. Material on record indicates that the Petitioner had earlier approached this Court for a similar relief on 10.01.2022 which was denied to the Petitioner. Material on record also discloses that despite proceedings under Section 82 Cr.P.C initiated, the Petitioner did not join investigation or present herself before the concerned Police Station. Though it is a fact that proceedings under Section 82 Cr.P.C was not pressed by the Police but the learned APP



appearing for the State submits that disciplinary proceedings have been initiated against the concerned police official to show cause as to why disciplinary action should not be taken against the concerned official for not pursuing the case.

3. The fact remains that the Petitioner has not chosen to join investigation. The fact also remains that despite various attempts by the Police, the Petitioner has neither joined investigation nor has made herself available for investigation.

4. Material on record indicates that the Police has conducted search at the premises of the Petitioner on 25.02.2022, 10.03.2022, 06.04.2022 and 25.04.2022 but the Petitioner was not found at the premises.

5. Charges have been framed against the husband and father-in-law of the Petitioner, however, proceedings against the Petitioner are not going ahead only for the reason that the Petitioner is not available. A supplementary chargesheet on 13.09.2023 has been filed showing that the Petitioner is absconding.

6. In view of the aforesaid facts, this Court is not inclined to grant bail to the Petitioner in the event of arrest.

7. Needless to state that the dismissal of the present application does not mean automatic arrest of the Petitioner and the Police has to consider as to whether arrest of the Petitioner is required or not. In case, the Petitioner is arrested and a bail application is filed by the Petitioner, the Trial Court is directed to consider the bail application of the Petitioner as expeditiously as possible and decide the same, preferably within five days. In case the police remand is sought, it is always open for the Petitioner to raise all tenable objections to the police remand.



8. It is made clear that this Court has not made any observations as to whether the custody of the Petitioner is required or not or not or as to whether police remand is required or not.
9. With these observations, the application is disposed of.

SUBRAMONIUM PRASAD, J

JULY 16, 2024
S. Zakir