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

+ **BAIL APPLN. 2232/2024**

ASLAM

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi,
Mr. Sudhanshu Tyagi, Mr. Balaji
Pathak, Mr. Tripurari Jha, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with Inspector Pankaj Gulliya, PS
Dayalpur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.10.2024

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1. The present bail application has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR no. 275/2021 registered under Section 304B/498A/201/34 IPC at PS: Dayalpur.
2. Learned counsel for the petitioner submits that the petitioner is in custody since 11.07.2021. Learned counsel submits that all the material witnesses have already been examined. Learned counsel further submits that, in fact, it has come in the testimony of PW-3 that there was no demand of dowry. It has further been submitted that so far, the prosecution has not been able to bring any substantive material on record against the applicant.
3. Learned APP for the State has opposed the bail application arguing that



the applicant was married to the deceased on 26.03.2018. Learned APP submits that it was specifically alleged that the deceased was stressed mentally and physically after three months of marriage. Learned APP submits that the applicant used to pressurise the deceased to ask for money from her parents and on 01.08.2021, the complainant gave Rs. 50,000/- as dowry to the petitioner. Learned APP submits that on 07.07.2021, the deceased committed suicide after jumping from the roof of the building of her matrimonial home.

4. The criteria for grant of bail in heinous offences are very well settled. The consideration to be taken into account while grant of regular bail are the nature and gravity of the respondent's accusations and the antecedents of the applicant, possibility of the Applicant to flee from justice, the possibility of threatening and intimidating the witnesses and other circumstances. Further, it is a settled rule that the Court at the stage of the bail cannot hold mini trials and has to see only the *prima facie* case as produced by the prosecution.
5. As per nominal roll dated 21.10.2024, the applicant is of 41 years of age and is in custody since 11.07.2021 i.e., is in custody for around 3 years 3 months and his conduct is found to be satisfactory.
6. In catena of judgments, the apex Court as well as this court has made it clear that the freedom protected by Part III of the Constitution¹ would include access to justice and a speedy trial in addition to due process and fairness. The Apex court in ***Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India***² inter-alia held that

¹ The Constitution of India

² (1994) 6 SCC 731



the undertrial prisoners cannot be imprisoned indefinitely without trial, and the Courts are entrusted with determining whether or not an individual should be released pending trial due to the realities of real life, which include the need to ensure an effective trial and to reduce the risk to society in the event that a prospective criminal is left at large pending trial. Once it is evident that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, Courts would ordinarily be obligated to enlarge them on bail as held in *Union of India v. K.A. Najeeb*³.

7. In the peculiar facts and circumstances, the applicant is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and subject to the following further conditions:
- a) the applicant shall regularly appear before the IO/trial court as and when directed;
 - b) the Petitioner shall provide his mobile number(s) to the Investigating Officer and shall keep it operational at all times;
 - c) the applicant shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - d) the applicant shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;

³ (2021) 3 SCC 713



- e) In case of change of residential address and/or mobile number, the applicant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. With the above directions, the application is disposed of.
9. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024

JN/HT..