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

+ **BAIL APPLN. 3539/2023**

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..... Petitioner

Through: Mr.Pradeep Rana, Mr.Kartik Gadi,
Mr.Robin Singh, Mr.Sumit Lochab,
Mr.Ojas Kundu and Mr.Tushar
Rohmetra, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Mr.Mukesh Kumar, APP for the State
with Insp. Chatter Singh, PCR &
Insp. Manmeet Singh, PS: Khyala.
Mr.Ashraf Ali, Advocate for
complainant with brother of deceased
in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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13.03.2024

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 342/2022 under Sections 304B/498A/34 IPC registered at PS Khyala.
2. In brief, as per the case of the prosecution, deceased committed suicide on 26.03.2022, within seven years of marriage. Present FIR was registered on the statement of the father of deceased on 27.03.2022, who alleged that the deceased was harassed by her husband and in-laws after about one and a half year of marriage on account of dowry demands. He further alleged that on 26.03.2022, he received a telephonic call from his son-in-law (petitioner) at 11.30 am who stated "*Apni beti Khushboo ko*



samjhaa lo, nahi to mai galat step le lunga”. Thereafter at about 1:00 pm, he was informed that his daughter had expired.

3. Learned counsel for the petitioner submits that during the course of investigation, a hand written note written by the deceased was also handed over to the investigating agency, wherein no allegations of harassment or demand of dowry are reflected. Rather the deceased appears to be dissatisfied for not being valued in her matrimonial home and indicated her intention to commit suicide. He further submits that the hand writing of the said note has been confirmed to be of deceased as per FSL report. It is further urged that mother-in-law, brother-in-law and father-in-law of deceased have already been released on regular bail. It is also pointed out that there are two minor children out of the wedlock, aged about 02 and 05 years, who are being taken care of by the parents of the petitioner.

4. On the other hand, application is opposed by learned APP for the State assisted by learned counsel for the complainant. Learned APP for the State submits that during the course of investigation, WhatsApp messages exchanged between brother of the deceased and deceased were also collected, which reflect that the deceased was not being properly treated at her matrimonial home. Further the deceased is stated to have committed suicide on account of harassment at the hands of the petitioner and in-laws. It is also submitted that testimony of the brother of the deceased is yet to be recorded before the learned trial court and may be influenced if the petitioner is released on bail.

5. I have given considered thought to the contentions raised.

The note left by the deceased reflects that she was dissatisfied in the matrimonial relationship as she perceived that she was not valued and



understood by her husband. However, she did not level any allegations of harassment or demand of dowry but simply reflected that she had no further expectation in life and was tired of her life. So far as WhatsApp messages relied upon by the prosecution are concerned, the same can be appropriately appreciated during the course of trial as no specific demand of dowry has been pointed out.

The petitioner is in custody for about 02 years since 27.03.2022; and the statement of material witnesses except for the brother of deceased has been recorded,

Considering the facts and circumstances of the case, the petitioner is admitted to bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned.
- (ii) Petitioner shall not threaten or influence the witnesses in any manner;

The application is accordingly disposed of.

Nothing stated herein shall tantamount to any expression of opinion on merits of the case.

A copy of this order be sent to the Superintendent Jail and concerned Trial Court for compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 13, 2024/v