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

+ **BAIL APPLN. 2595/2024**

RAM NARESH

.....Petitioner

Through: Randheer Singh Adv, Devendra Singh
Shakya Adv, Bhoopender Singh Adv.
Satish Kumar Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Lokendra Kumar, PS
Swaroop Nagar.
Mr. R.K. Pillai, Adv. for
Complainant.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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13.09.2024

1. This petition has been filed seeking regular bail in FIR No.301/2022 PS Swaroop Nagar under Sections 304B/498A/34 IPC by the petitioner who is the father-in-law of the deceased. The petitioner has been in custody since 09th June, 2022.
2. As per the case of the prosecution, a call was received on 29th April, 2024 that a lady was found hanging from a ceiling fan in a rope. She was brought down but was declared dead at the hospital. The statements of the mother of the deceased were recorded.
3. It transpired that she had been married to Rahul Rathore on 28th November, 2021. As per the mother of the deceased, the in-laws had



demanded a gold chain and also a 10 ltr. washing machine and Rs.10,000/- which was given a week ago. The mother also claimed that her daughter was beaten up by the son-in-law Rahul.

4. As per the *post-mortem* report, the cause of death as asphyxia due to *ante mortem* hanging. The husband Rahul was arrested on 01st May, 2022, and the petitioner, the father-in-law was arrested on 08th June, 2022. Charge-sheet was filed in July 2022 and testimonies have been recorded in the trial.

5. It was noted in the previous order that the testimonies of the mother and one brother have already been recorded, who have to be cross-examined. Accordingly, the testimonies of the mother PW-2 and the brother PW-1 have handed up to the Court.

6. Counsel for the petitioner points out that the testimonies would bear out that even though there are allegations that there was a demand of dowry, there are no specific and critical allegations against the petitioner. The allegations against the petitioner relating to a demand at the time of marriage for a gold chain, which was subsequently given. Moreover, allegations made in the testimonies, will have to be tested in cross-examination.

7. Considering the period of custody being about 2 years 6 months, and the petitioner is about 55 years of age and has no previous involvement, the jail conduct has been satisfactory and the trial will take some time to complete, the testimonies of the material witnesses have been recorded and the cross-examination is yet to commence, this Court considers it fit to grant bail to the petitioner.

8. The Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI***, (2022) 10 SCC 51, observed as follows:



“12. The principle that bail is the rule and jail is the exception has been well recognised through the repetitive pronouncements of this Court. This again is on the touchstone of Article 21 of the Constitution of India...”

(emphasis added)

9. The Hon’ble Supreme Court also noted the observations made by Krishna Iyer, J., in ***Gudikanti Narasimhulu v. Public Prosecutor***, (1978) 1 SCC 240, as under:

“1. ... the issue [of bail] is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitised judicial process. ... After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of “procedure established by law.” The last four words of Article 21 are the life of that human right.”

(emphasis added)

10. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.



- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 13, 2024/MK