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

+ **BAIL APPLN. 3750/2023 & CRL.M.A. 30596/2023**

SAVITRI DEVI @ GUDDI

..... Petitioner

Through: Mr. Kundan Chandravanshi, Mr. Ravi
Kumar and Mr. Avdesh Kumar,
Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Kiranpal Singh Police
Station Sarai Rohilla, Delhi

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
01.02.2024

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1. The present application has been filed under Section 438 CrPC read with Section 482 CrPC seeking anticipatory bail in connection with FIR No. 265/2023 under Sections 498A/340B/34 IPC registered at Police Station Sarai Rohilla.
2. The case of the prosecution is that the marriage of the son of the



petitioner and the deceased was solemnized on 12.03.2019. On 22.04.2023, the Police received a call from the hospital that the deceased was brought to the hospital. However, during her treatment deceased passed away on 25.04.2023 which led to the registration of aforesaid FIR.

3. The learned counsel for the petitioner submits that the present petitioner is the mother-in-law of the deceased whereas the husband, *devar* and father-in-law of the deceased have also been enlarged on bail.

4. He invites the attention of the Court to the order dated 07.12.2023 whereby the *devar* of the deceased was enlarged on bail. Para 11 of the said order, on which reliance has been placed, reads as under:

“11. It is trite law that for making out an offence under Section 304B IPC, the cruelty or harassment should not only be in connection with demand of dowry but the same should also be “soon before death”. Prima facie, there appears to be substance in the statement of the learned counsel for the petitioner that there is no material to show that the deceased was harassed by the petitioner in connection with demand of dowry soon before her death.”

5. He further states that pursuant to the interim protection granted by this Court *vide* order dated 08.11.2023, the petitioner has also joined investigation, which position is not disputed by the learned APP, on instructions from the Investigating Officer, who is present in Court.

6. The learned APP, however, opposes the grant of concession of anticipatory bail. He refers to the WhatsApp chat between the deceased and her friend, namely, Poonam Baghel.

7. A perusal of the said chat *prima facie* shows that there is no reference in the chat to the any demand of dowry having been made by the in-laws of the deceased or harassment in relation thereto. It is trite law that for making



out an offence under Section 304B IPC, the cruelty or harassment meted out to the deceased should not only be “soon before her death” but the same should be in connection with the demand of dowry.

8. Further, evidentiary value of the WhatsApp chats is an aspect that will be examined at the stage of trial by the learned Trial Court.

9. That apart the petitioner is a woman, who has joined the investigation and other members of the family have already been enlarged on regular bail. It is also not the case of the prosecution in the status report that the petitioner is a flight risk.

10. Having regard to the facts and circumstances of the case, I am of the view that the petitioner is entitled to the anticipatory bail.

11. Accordingly, it is directed that in the event of petitioner being arrested, she be released on bail subject to her furnishing personal bond in the sum of Rs. 25,000/- and a surety bond of the like amount to the satisfaction of the Investigating Officer / Arresting Officer, further subject to the condition that she will join investigation as and when directed by the Investigating Officer concerned.

12. The petition alongwith pending application stands disposed of.

13. Order *dasti* under signatures of the Court Master.

14. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 1, 2024

N.S. ASWAL