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

+ **BAIL APPLN. 3839/2023**

NITESH

..... Petitioner

Through: **Mr. Hirein Sharma and Mr. Vimal Tyagi, Advocates.**

versus

STATE (NCT OF DELHI)

..... Respondent

Through: **Ms. Meenakshi Dahiya, APP for State with W/SI Himanshi, PS Ranhola.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

19.02.2024

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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 bail in FIR No. 353/2021 under Sections 498A/304B/34 IPC registered at PS: Ranhola, Delhi.
2. In brief, as per case of prosecution, deceased Komal was married to the petitioner on 15.03.2021 and committed suicide on 03.06.2021, within three months of the marriage. Complainant alleged that deceased was harassed on account of dowry demands and reference was made to a demand of an air conditioner against which a sum of Rs. 30,000/- was given by the parents of the deceased. It was also alleged that at the time of marriage, the petitioner had refused to take the motorcycle, which was given by the parents of the deceased, on the ground that the same was not to his liking.
3. Learned counsel for the petitioner submits that an earlier application preferred by petitioner was dismissed as withdrawn, since the cross examination of the material witnesses was pending. It is further urged that



statement of all the material witnesses has since been recorded and material contradictions have come on record. It is contended that the case of the petitioner is at parity, with his mother (co-accused), who has been admitted to bail by learned Sessions Court. The sister and brother-in-law of the petitioner are also stated to have been discharged by the learned Trial Court.

4. On the other hand, the application has been opposed by the learned APP for the State. It is submitted that the deceased had conveyed the alleged demands and incidents of torture and harassment, to her parents and as such the allegations stand corroborated. It is also submitted that no plausible reason has been brought on record for deceased to have committed suicide.

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

The petitioner is in custody since 04.06.2021 and all the material witnesses have been examined on behalf of the prosecution. As such there is no possibility of influencing the witnesses. The unfortunate death of the deceased took place within three months of the marriage, but it cannot be ignored that prior to the marriage, it was clear to both the sides that no dowry is to be exchanged. No specific demand was made prior to solemnisation of marriage. Further it may be noticed that though an amount of Rs. 10,000/- is alleged to have been given on the Sagai Ceremony, but the prosecution failed to place on record any photographs in this regard despite a specific query to the Investigating Officer.

In the facts and circumstances, without expressing any opinion on the merits of testimony of the witnesses, the case of the petitioner appears to be on parity with that of his mother, who has already been admitted to regular bail by the Court of Sessions vide order dated 06.12.2021. Petitioner is accordingly, admitted to bail on furnishing 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; and
- (ii) Petitioner shall not leave the NCT of Delhi without the prior permission of the concerned trial court;

Application is accordingly disposed of.

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

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

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 19, 2024/akc