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

+ **BAIL APPLN. 2715/2024**
NIRDOSH KUMAR

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Ujwal
Ghai, Ms. Vani Singhal, Mr.
Prasanna, Mr. Ajay Kumar, Mr. Udit
Bakshi, Ms. Deepali Pawar, Mr.
Aaditya Saraf, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Raghuinder Verma, APP for State
and SI Lalit Kumar, PS Bindapur.
Mr. Dhananjai Kaushal, Adv. (VC)
for complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
20.08.2024

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1. The present application has been filed under Section 439 r/w Section 482 Cr.P.C. on behalf of the petitioner seeking regular bail in case FIR No. 412/2023 registered under Section 498A/354/306/34 IPC registered at PS Bindapur.
2. The FIR was lodged based on the complainant's statement, which alleged that the deceased was married to Nitish Tyagi, the son of the petitioner, on 30.01.2015. It was further alleged that, although sufficient dowry was given, the deceased's in-laws—specifically her mother-in-law, sister-in-law (nanad), and father-in-law (the petitioner) harassed her for more dowry. Allegedly, when the deceased refused to ask her parents for more money, her mother-in-law (Lalita Tyagi) and sister-in-law (Nidhi Tyagi) instructed the petitioner to "handle" her.



Subsequently, it is claimed that the petitioner began molesting the deceased. When the deceased complained to her husband, he allegedly refused to intervene. The petitioner is said to have escalated molestation, and complaints to her mother-in-law were also ignored. Allegedly, on 22.05.2023, the petitioner forced himself upon the deceased, causing her to flee and seek refuge in shop at Uttam Nagar, where she reported the incident to her husband. Her husband assured her that he would take action. The complainant, the sister-in-law of the deceased, stated that the deceased confided in her but asked her not to escalate the matter, intending to resolve it herself. Tragically, the deceased allegedly committed suicide on 10.07.2023. The prosecution has alleged that the petitioner harassed the deceased for dowry, molested her, and abetted her suicide. The deceased also allegedly left a handwritten suicide note in which she made allegations of dowry demands and molestation against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has been in custody for the past 12 months. It has been noted that the petitioner is approximately 60 years old, and the investigation has already been completed. The learned counsel argues that even the existence of a suicide note suggests that the charges of molestation against the petitioner are not well-founded.
4. The learned APP for the State has vehemently opposed the bail application, asserting that there are specific allegations of molestation mentioned in the suicide note as well as in the statement made by the complainant. The learned APP further submits that the incident dated 22.05.2023, which occurred shortly before the deceased's death, reveals



that the deceased was harassed and molested.

5. The learned counsel for the complainant has also opposed the bail application, emphasizing that this is an unfortunate case in which a young woman lost her life due to the demand for dowry and molestation by her father-in-law.
6. The allegations in the suicide note left by the deceased include claims of molestation against the petitioner. It is noteworthy that this was an eight-year marriage, during which two children were born. There is no record of any previous complaint made by the deceased against the petitioner. The allegations of molestation in both the suicide note and the statement made by the complainant have no specific details. At this stage, the Court is not required to meticulously examine the facts, and the probative value of the witness testimony is yet to be determined. Detention during investigation or trial is intended to ensure the accused's attendance at trial. The considerations for granting bail include the gravity of the allegations, the possibility of the accused fleeing, tampering with witnesses, and other case-related factors. It is also noted that the petitioner has no other criminal antecedents.
7. It is a settled preposition that the court is required to exercise discretion judiciously. Though detailed examination of evidence isn't necessary, however, the court must provide reasons for granting bail, especially in serious offenses. The Court is required to consider the nature of the accusation, severity of potential punishment, and the strength of the evidence, along with likelihood of witness tampering or threats to the complainant.
8. Furthermore it is also settled preposition that bail is the rule and jail is



the exception. The deprivation of liberty should be considered only when it is required in the interest of justice. The severity of the crime and the nature of the allegations must be weighed against the presumption of innocence.

9. In view of the facts and circumstances of the case, the petitioner is admitted to bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of Ld. Trial Court subject to the following conditions:
 - a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
10. In view of the above, the present application stands disposed of.
11. Copy of this order be sent to concerned Jail Superintendent.

DINESH KUMAR SHARMA, J

AUGUST 20, 2024/AR/NA..