



\$~4 to 6

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

+ BAIL APPLN. 3919/2023

KAVITA

..... Petitioner

Through: Mr.Himanshu Makkar, Mr.Paramjeet Singh and Mr.Atishay Sethi, Advocates

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Ajay Vikram Singh, APP with Insp. Manoj Verma (the then SHO), Insp. Virender Singh, Insp. Rajiv (IO) and ASI Lochan Singh (1st IO), PS Mangolpuri.

+ BAIL APPLN. 3925/2023

PRASHANT YADAV

..... Petitioner

Through: Mr.Himanshu Makkar, Mr.Paramjeet Singh and Mr.Atishay Sethi, Advocates

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Ajay Vikram Singh, APP with Insp. Manoj Verma (the then SHO), Insp. Virender Singh, Insp. Rajiv (IO) and ASI Lochan Singh (1st IO), PS Mangolpuri.

+ BAIL APPLN. 4043/2023

RADHEY SHYAM YADAV

..... Petitioner

Through: Mr.Himanshu Makkar, Mr.Paramjeet Singh and Mr.Atishay Sethi, Advocates

versus

THE STATE GOVT. OF NCT DELHI

..... Respondent

Through: Mr.Ajay Vikram Singh, APP with Insp. Manoj Verma (the then SHO), Insp. Virender Singh, Insp. Rajiv (IO) and ASI Lochan Singh (1st IO), PS Mangolpuri.



CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

10.04.2024

%

1. Three separate bail applications have been preferred on behalf of accused namely, Kavita, sister-in-law of deceased (BAIL APPLN. 3919/2023), Prashant Yadav, brother-in-law of deceased (BAIL APPLN. 3925/2023) and Radhey Shyam Yadav, father-in-law of deceased (BAIL APPLN. 4043/2023).

2. In brief, as per the case of the prosecution, on 18.07.2023, vide DD No.7A, a PCR call was received at P.S. Mangolpuri “H-930, Mangolpuri, Caller Ki Sister Renu Ko Sasural Walon Ne Pit Pit Kar Maar Diya Hai, Jiski MLC Sanjay Gandhi Me Kati Hui Hai”. Upon reaching Sanjay Gandhi Hospital, it was informed that body had been taken back to residence.

During investigation, it was revealed that deceased got married about six years prior to the date of incident. Brother of deceased in his statement recorded before Sub Divisional Magistrate alleged that his sister Renu (deceased) had a love marriage with ‘Nandu Yadav’ on 25.03.2018. No dowry was demanded at the time of marriage and their relations remained cordial till 2020. However, since deceased was not blessed with a child, her in-laws started harassing her by beating and taunting. Later on, a scooty was purchased in the name of Kavita (sister-in-law of deceased) for which payments of instalments were made by the deceased. He further alleged that in case, instalments were not paid by the deceased, she was harassed by Kavita (sister-in-law), Attarkali (mother-in-law), Prashant @ Pasoudi (brother-in-law) and Nandu (husband). Further, on the fateful day, he was



informed by Kavita (sister-in-law of deceased) that Renu (deceased) had fallen from stairs whereas her brother-in-law Prashant informed that she committed suicide. FIR was accordingly registered under Sections 306/34 IPC.

3. During the course of investigation in the post-mortem report of deceased Renu, it was observed that ligature mark was found on her neck and injury on both hands as well as on chest were also seen. Cause of death was found as '*Asphyxia as a result antemortem hanging*'. Sections 304B/498A IPC were invoked during the investigation. It is further the case of the prosecution that at the time of incident, Payal (sister of Renu deceased) was present at the matrimonial home of deceased on account of birthday celebration of the deceased. In her statement, she alleged that around 9.30 p.m., there was a quarrel between deceased and her in-laws over some family issue and she was sent to roof by husband saying that he will settle the differences alone. Thereafter, it was informed by the in-laws of the deceased that she had fallen from stairs.

4. Learned counsel for the petitioners submits that marriage of deceased was a love marriage and no dowry articles were exchanged at the time of marriage as stated by brother of deceased. It is further submitted that Sections 304B/498A IPC were subsequently added since charge-sheet was not filed within the stipulated period of sixty days and an application for default bail was preferred on behalf of husband of deceased Renu. Therefore, for the purpose of getting the bail applications dismissed Sections 304B/498A IPC were invoked. It is further pointed out that in the FIR only allegations which were made by brother of deceased Renu were regarding non-payment of instalments in respect of a scooty purchased in the name of



Kavita (sister-in-law), which is vehemently disputed. It is contended that no allegations of demand of dowry were even levelled by deceased Renu, in the letters forwarded to Delhi Commission for Women. The allegations in the supplementary statement of family members are stated to have been subsequently concocted.

5. On the other hand, the applications are vehemently opposed by learned APP for the State and it is submitted that in the statement of Payal (sister of deceased) recorded by the Police on 21.09.2023, allegations regarding demand of dowry were made. He clarifies that Payal (sister of deceased) was pregnant at the relevant time and as such her statement could not be recorded on the same day, though she was present in the premises.

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

Admittedly, as per FIR, marriage between deceased Renu and Nandu was a love marriage wherein no demand for dowry was made as stated by brother of deceased. The allegation which has been alleged by him is that after about two years of marriage since the deceased was not blessed with a child, her in-laws used to harass and beat her. He further alleged that instalments of the scooty purchased in the name of Kavita (sister-in-law of deceased) were paid from the account of her deceased sister Renu.

It is pertinent to notice that in her complaint sent to Delhi Commission for Women on 19.01.2023, deceased Renu merely alleged that her sister-in-law Kavita did not speak to her properly and also assaulted her. Similar allegations were also made against the mother-in-law Attarkali. However, no allegations of demand of dowry were made by the deceased against her in-laws. Similarly, no allegations regarding demands for dowry were made by her in complaint dated 04.04.2021 to the Delhi Commission



for Women. It appears that the allegations of dowry demand have only cropped in supplementary statements. It has also come up on record that the statement of Payal (sister of deceased) was not recorded on the date of alleged incident though she was present in the premises and her statement has been subsequently recorded on 21.09.2023 after considerable delay of nearly two months.

7. Considering the totality of facts and circumstances, in the event of arrest, petitioners be admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like amount to the satisfaction of IO/SHO, PS Concerned subject to their joining investigation and following conditions:

- (i) Petitioners shall provide their mobile number to the Investigating Officer (IO) / SHO concerned.
- (ii) In case of change of address, petitioners shall intimate/communicate their fresh address to the IO/SHO concerned.
- (iii) Petitioners shall not threaten or influence the witnesses in any manner.

Applications are accordingly disposed of.

A copy of this order be kept in connected applications.

ANOOP KUMAR MENDIRATTA, J

APRIL 10, 2024/v