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

+ **BAIL APPLN. 4007/2023**

POONAM

..... Petitioner

Through: Ms. Sujata Ray and Mr. Nitesh
Yadav, Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Shubhi Gupta, APP for the State
with Insp. Ajay Kumar and SI Baleshwar,
PS: Najafgarh.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.01.2024

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1. This is an application filed on behalf of the Applicant Poonam W/o Sh. Pawan Kumar, R/o Juggi No.7, Gali No.1, Nangli Dairy, Najafgarh, under Section 439 Cr.P.C in case FIR No.273/2023 dated 10.07.2023 under Sections 498A/304B/34 IPC registered at PS: Najafgarh.

2. It is the case of the prosecution that on 08.07.2023 DD No. 109A was received at PS: Najafgarh, upon which SI Baluram along with other staff reached the site of occurrence which was inside a two room hut. Body of a woman was found lying on the bed in the inside room with ligature mark on her neck and a blue coloured saree was hanging from the iron garter of the ceiling of the room. The lady was identified as Anjali Kumari W/o Ravi Kumar, aged 20 years. Ravi Kumar and deceased had got married two years ago. Accordingly, Crime team was called on the spot and the spot was



inspected and photographed by the members of the team. Information was given to the SDM, Dwarka regarding the incident and the body was shifted to RTRM Hospital mortuary. On 09.07.2023, joint statements of the father of the deceased namely, Santosh and grandmother Rajima Devi @ Saraswati were recorded by SDM Dwarka, in which they alleged that in-laws of their deceased daughter used to torture her. Applicant Poonam, the mother-in-law, husband Ravi Kumar and brothers-in-law Ranjan and Rakesh used to harass her for sewing machine. They did not send her to meet them and always troubled her over work. Rakesh used to beat her and Poonam, Ravi Kumar and Ranjan all used to trouble her a lot. Postmortem report was obtained from RTRM Hospital, in which the Doctor opined that cause of death was Asphyxia following Ante Mortem Ligature Hanging. Applicant was arrested on 06.10.2023 and sent to judicial custody. Rakesh who was found to be a CCL and was apprehended on 17.11.2023 and produced before JJB, where he was released on bail. Accused Ranjan Kumar has been granted regular bail by the Trial Court. Charge Sheet has been filed and the matter is now listed before the Trial Court for some clarification from the IO as well as arguments on charge, on 14.02.2024.

3. Learned counsel for the Applicant, arguing in support of the bail application submits that the allegations in the FIR are totally false and the Applicant has been falsely implicated. Applicant is a house-lady and always remained busy in the household work including taking care of the minor child of the deceased who was less than one year on the date of the incident. Applicant was not present in the house on the fateful day and all other family members had also gone for their respective jobs. Only Ranjan was in the house as he was studying and the deceased was in her room along with



her child. There was never any complaint by the deceased till she was alive and in fact, her younger sister used to stay most of the times with the deceased in the matrimonial home and her other family members also visited regularly. Applicant made no demands of dowry and the statement of the deceased's family members is completely false and baseless. Counsel submits that son of the Applicant namely, Ravi, the husband of the deceased had transferred an amount of Rs.90,000/- in the account of the paternal uncle/real Fufa ji of the deceased namely, Jhaver Singh and this was only because the relationships between the two families were cordial and there were no demands by the Applicant or other family members. It is also urged that investigation is complete and the Charge Sheet has been filed. Matter is now fixed for arguments on charge on 14.02.2024 and it would take a long time for the trial to conclude. Applicant is a woman and has been in custody since 06.10.2023. The child of the deceased, who is about one and a half years old, requires the love and care of a woman. He is presently being looked after by Ranjan, the younger son of the Applicant, who is doing B.A. via correspondence and stays home only to look after his nephew. It is also submitted that co-accused Ranjan has been granted regular bail by the Trial Court vide order dated 09.08.2023. It is thus prayed that Applicant be admitted to regular bail as the minor child of the deceased needs her love and care, especially on account of the fact that his father is also in judicial custody.

4. Learned APP for the State refutes the contentions raised on behalf of the Applicant. She submits that in the joint statements, father, sister and grandmother of the deceased have stated that the in-laws of the deceased were continuously harassing and troubling her for dowry and they have



specifically referred to a demand for sewing machine. It is strenuously urged that the death has taken place within two years of the marriage due to the harassment and torture caused by the Applicant and other members of her family. Charge has not been framed and witnesses are yet to be examined and the case is at a very initial stage. There are chances that on being released, Applicant may influence the witnesses or tamper with the evidence.

5. I have heard learned counsel for the Applicant and learned APP for the State.

6. There is no doubt that the present is a case of an unfortunate death of a young woman barely aged 20 years. Court has perused the statements of the father, sister and grandmother of the deceased shown by the learned APP during the course of hearing wherein it is alleged that the Applicant and other family members of the family were harassing the deceased and making a demand for a sewing machine. The allegations against the Applicant are general in nature and no specific dowry demand has been alleged against her. Investigation is complete and Charge Sheet has been filed. The case is at the stage of arguments on charge before the Trial Court and it would take time before the trial concludes. Applicant is in judicial custody since 06.10.2023. Admittedly, son of the deceased is at her matrimonial home, under the care and custody of Applicant's husband and other two sons, since her third son namely, Ravi, husband of the deceased is in judicial custody. On a pointed query to the IO, who is present in Court, it is stated that the parental family of the deceased has expressed no desire to take the custody of the child and/or to look after him. Counsel for the Applicant, on the other hand, stressed on the point that the presence of the Applicant would help in



taking care of the minor child, as there is no other female member in the matrimonial home of the deceased.

7. In *Vinod Bhandari v. State of Madhya Pradesh, 2015 SCC OnLine SC 96*, the Supreme Court observed that at the pre-conviction stage, there is presumption of innocence and the object behind keeping the person in custody is to ensure his availability to face the trial and receive the sentence that may be passed. Detention is not supposed to be punitive or preventive. While seriousness of allegation is a criteria for declining bail, but it is equally settled that an accused cannot be kept in custody for indefinite period where the trial is not likely to conclude within reasonable time. Therefore, looking at the facts and circumstances holistically and without expressing any opinion on the merits of the case, this Court is satisfied that Applicant has made out a case for grant of regular bail. It is accordingly directed that the Applicant be released on bail, subject to her furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount, to the satisfaction of the Trial Court and further subject to the following conditions:-

- i. Applicant shall not leave Delhi/NCR without the permission of the Trial Court;
- ii. She shall provide her permanent address to the IO and shall intimate the IO as well as the Trial Court regarding any change in the residential address, by way of an affidavit;
- iii. She shall provide her mobile number to the IO and shall keep the mobile in a working condition at all times and the number shall not be changed without prior intimation to the IO and the Trial Court;



- iv. She shall not indulge in any criminal activity or communicate with or come in contact with the witnesses and/or any other person associated with the present case;
 - v. She shall report to concerned IO once a month at the local police station; and
 - vi. She shall appear on every date of hearing before the Trial Court unless exemption is sought and granted by the Court on any given date.
8. It is made clear that the observations made in this order are only for the purpose of deciding this bail application and will have no influence on the merits of the case.
9. Application stands disposed of.
10. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

JYOTI SINGH, J

JANUARY 24, 2024/shivam