



\$~112

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

+ **BAIL APPLN. 4026/2023**

HEENA

..... Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Narender Mann, Mr.
Pradeep Khatri, Mr. Rishi, Mr.
Utkarsh and Mr. Pranjali Kumar
Bhaskar, Advocates.

versus

STATE(GNCT OF DELHI) & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Dheeraj Yadav PS
Subhash Palace, New Delhi.
Mr. Vishnu Dutt Sharma and Mr.
Mohd Fasil, Advocates for respondent
No.2 with respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

30.01.2024

%

1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 908/2022 registered under Sections 304B/498A/323/34 at Police Station Subhash Place, Delhi.
2. Learned Senior Counsel for the applicant submits that in the present case the applicant being the sister-in-law of the deceased is in custody since 10.08.2022. He further states that the co-accused namely Shakil and Anwari who are husband and mother-in-law of the deceased respectively have already been released on regular bail. He submits that the only allegation against the present applicant appears in the statement of the mother of the deceased wherein sweeping allegations have been made



against the in-laws of the deceased that they were harassing the deceased for dowry. He states that a perusal of the said statement would show that the line to the aforesaid extent was interpolated subsequently. He states that insofar as incident of 09.08.2022 is concerned it was alleged the applicant had hurled abuses and slapped the mother of the deceased, however it has not been stated that the same was in relation to any dowry demand. Further, as per the prosecution case, at the time when the deceased fell down, the applicant was not even at the spot.

3. The bail is vehemently opposed by the learned APP for the State duly assisted by learned counsel for the complainant. It is stated that the applicant being the sister-in-law is the main instigator as even on the date of the incident, as per the CCTV footage collected, the applicant can be seen not only abusing but also hitting the mother of the deceased. It is also stated that the complainant has also preferred an application seeking cancellation of bail of Shakil, husband of the deceased.

4. A perusal of record would show that the deceased had an affair with Shakil pursuant to which they solemnized their marriage. On the date of the incident, a GD entry being DD No.0101A was recorded at the instance of the complainant at about 9.41 pm wherein it was stated that the mother-in-law and sister-in-law had a quarrel with the complainant. A perusal of the bail order of co-accused Anwari would show that the Co-ordinate bench had noted that after the marriage, the deceased had resided in the matrimonial home for more than a year prior to the date of the incident and there was no dowry exchanged anytime then or till the date of the incident since the marriage. Although there have been allegations that the deceased was made to do household chores but except for one line in the statement of mother of



deceased, there are no specific allegations of dowry demand against the present applicant.

5. Insofar as the incident of 09.08.2022 is concerned, the said quarrel took place at the spot between the applicant and the mother of the deceased. It is not stated that the said incident is on account of any demand for dowry.

6. Considering the totality of the facts and circumstances and the fact that the applicant is in custody since 10.08.2022 and the charge-sheet stands filed coupled with the fact that co-accused have already been granted bail, it is directed that the applicant be released on regular bail subject to her furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide her mobile number to the Investigating Officer on which she will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail



Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

JANUARY 30, 2024/rd