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

+ **BAIL APPLN. 2912/2024**

SMT SUNITA DEVI

.....Petitioner

Through: Mr. Raj Kumar Solanki, Ms. Shweta
Prajapati, Advs.

versus

THE STATE GNCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the state
with Inspector Rajesh Kumar, PS
Mohan Garden.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

03.10.2024

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1. The present petition has been filed seeking regular bail in case FIR No.0478/2023 registered at PS Mohan Garden, under Section 498A/304B/34IPC.
2. The FIR in this case was lodged based on a statement recorded by the SDM, Dwarka, on 12.10.2023, where Mr. Laxmi Kumar, the maternal uncle of the deceased, reported receiving a call from Kailash Das/ husband of the deceased on 10.10.2023, a PCR call was received at PS Mohan Garden, recorded as DD No. 56, stating: *"Caller's wife, age 19 years, named Kajal has hanged herself. She has been taken down from the fan. The room's lock was broken. The lady's relatives have arrived and are engaging in a physical altercation. The boy's sister has been medically examined."* The call was then marked to IO/SI Jitendra Yadav for necessary action. By the time the



complainant reached the house, he found Kajal lying on the bed with injuries on her head, neck, and hands, and it was alleged that her husband, Kailash Das, and his sister Priyanka were present at the time. The family accused them of killing Kajal due to dowry demands and pressure to transfer land into their names. A post-mortem report from DDU Hospital indicated the cause of death as asphyxia due to ligature hanging, with the manner of death appearing suicidal. Consequently, an FIR was registered, leading to Kailash's arrest, Priyanka's anticipatory bail, and a supplementary charge sheet filed against Sunita Devi, who remains in custody.

3. Learned counsel for the petitioner submits that the petitioner has been in custody since 12.04.2024, and the charge sheet has already been filed. Counsel further submits that, admittedly, at the time of the incident, the deceased was residing in Delhi with her husband, while the petitioner was residing at her native place in Bihar. Given that the trial may take a considerable amount of time, the petitioner requests to be granted bail.
4. Learned APP for the state has opposed the bail application on the grounds that there are specific allegations against the petitioner, who is the mother-in-law of the deceased. The learned APP further submits that it is a matter of record that the land, which was in the name of the deceased, was sold by her and the proceeds were given to the petitioner.
5. The learned APP for the State also submits that there were demands for dowry on 06.05.2023 and 14.08.2023.
6. It is an admitted fact that, at the time of the incident, the petitioner



was residing at her native place, whereas the deceased was residing with her husband. Surprisingly, the FIR in this case was lodged 62 days after the statement was recorded by the concerned SDM.

7. The learned APP for the state explained the delay on the grounds that the IO was facing some personal difficulties.
8. The Court deprecates this conduct, which also reflects poorly on the supervisory officer. It is surprising that even in such a serious case, the supervisory officer allowed a 62-day delay in the registration of the FIR, despite the fact that there were statements alleging the demand for dowry and abetment of suicide. The charge sheet has already been filed, and the petitioner, who is around 45 years of age, may face a long trial.
9. In these facts and circumstances, let the petitioner be admitted to Court bail on furnishing of a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned learned Trial Court with the following conditions;
 - a. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - b. the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - c. The petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;



- d. The petitioner shall remain available on the given address at the time of furnishing bail bond and shall not leave NCT of Delhi without the permission of the learned Trial Court.
- e. In case of change of residential address and/or mobile number, the appellant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

10. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 3, 2024

Pallavi/KR