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

+ **CRL.M.C. 7755/2024**

SURESH KUMAR

.....Petitioner

Through: Mr. Ravi Nayak, Advocate.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with Insp. Davender Singh, PS: Jaffar
Purkalan.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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01.10.2024

CRL.M.A. 29601/2024(Exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

CRL.M.C. 7755/2024

1. This petition has been filed seeking cancellation of bail granted by impugned order dated 29th August, 2024, by ASJ Dwarka Courts in FIR no. 79/2023 PS Jaffarpur Kalan under Section 304B/498A/34 IPC.
2. The accused in this petition is the mother-in-law of the deceased who died by hanging herself at her parental house on 27th April 2023. She was married to one Vinay on 22nd February 2023 and death was within 7 years of marriage. The allegation was of demand of dowry.
3. The husband Vinay is in judicial custody. The father-in-law who was also an accused has since passed away. The mother-in-law accused and



subject matter of this petition, had donated her kidney to the husband. This fact has been verified by the APP for State on the instructions of the IO.

4. Perusal of the impugned order would show that on this health consideration, as well as 4 witnesses out of 42 having been examined, that she had been in custody for a period of 8 months, and that she was a lady of 51 years of age, she was granted bail.

5. Counsel for petitioner states that the reasons for granting bail are vitiated.

6. Having considered the contentions of the parties, this Court is of the opinion that the petition is unmerited. Custody during trial cannot be used as a retribution mechanism, by a complainant. There is no allegation otherwise of tampering of evidence or of flight risk. The material witnesses have already been examined. The trial is expected to take time and 38 odd witnesses are left to be examined.

7. However, since there were no further conditions attached to the bail order except for bail bond of Rs. 30,000/- with one surety of the like amount, it is considered appropriate that other conditions shall be imposed on the accused as under:

- i. Accused will not leave the country without prior permission of the Court.
- ii. Accused shall provide permanent address to the Trial Court. The Accused shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Accused shall appear before the Court as and when the matter is taken up for hearing.



- iv. Accused shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - v. Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
8. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of bail and shall not be construed as an expression on merits of the matter.
9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
10. Accordingly, the petition is disposed of with the above directions. Pending applications (if any) are disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 1, 2024/RK

Click here to check corrigendum, if any