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

+ **BAIL APPLN. 3832/2024**

AJAY TRIPATHI

.....Petitioner

Through: Mr. Raghav Mehdiratta and Mr.
Saksham Bhayana, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Mr. Diljeet Singh, Adv with Insp.
Mahesh Kumar Bhargawa, PS: Dabri.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

27.11.2024

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BAIL APPLN. 3832/2024

1. This petition has been filed seeking regular bail in FIR no. 55/2024 under Sections 498A/304-B/34 IPC registered at PS: Dabri. Petitioner was arrested on 16th January 2024.
2. As per the Nominal Roll, he has undergone about 10 months of custody, has no previous involvements, and his jail conduct has been satisfactory.
3. Case of the prosecution is based on the death of the one Pooja Pandey, wife of the petitioner, who was found hanging from a ceiling fan with the help of a cloth on 13th January 2024.
4. The crime team was called. The FIR was registered and investigation ensued.
5. Complaint was filed by the cousins of the deceased. *Post-mortem* report



mentions the cause of death as asphyxia caused by ligature hanging using yellow *chunni*- like material. It further states that “*the manner of death appears to be suicidal*”.

6. Petitioner was arrested on 16th January 2024, and his mobile phone, as well as that of the deceased, was taken into possession and sent to the FSL.

7. The allegation was that the deceased was beaten up by petitioner for not fulfilling the demand for a Bullet motorcycle. Statements of family members were recorded.

8. Charge sheet has since been filed and the prosecution evidence has been recorded. The complainant's evidence has already been recorded.

9. Counsel for the petitioner points out that aside from the fact that the allegation itself relating to the Bullet motorcycle was untenable since he himself had already purchased his bike in September 2023, the registration certificate of the bike being appended to the petition.

10. Petitioner had also helped the father of the deceased financially to the tune of Rs. 1 lakh, since the father was suffering from cancer in the year 2019 and then passed away in 2019 itself.

11. He further contends that there have been no complaints in the six years of marriage and relies on photographs appended to the petition to show that they were a happy married couple.

12. Petitioner has a four-year-old son who is now living with petitioner's mother in their native village and has lost a year of education due to these circumstances.

13. Counsel for the petitioner relies on the decisions, *inter alia*, **Pawan Tiwari v. State of NCT of Delhi** 2023: DHC: 1844, **Promila Sharma v. State of NCT of Delhi** 2022: DHC: 2079, **Sonu Verma v. State of NCT of Delhi**



2023: DHC: 1121 and *Amit Sharma v. State* 2021: DHC: 2582.

14. APP for State, however, states that as per the call details, there was a call even a day before the incident regarding the demand for the motorcycle, and the family members of the deceased are yet to be examined. There are also messages sent by the deceased to the husband in this regard.

15. Notwithstanding these contentions, considering that the petitioner has been in custody for about 10 months, the charge sheet has already been filed and complainant has already been examined, it would be of no use continuing the custody of petitioner indefinitely since the trial will take considerable time to conclude.

16. Moreover, this Court notes that the four-year-old child is without his mother, who is deceased, and his father, who is in custody, and would obviously suffer on that account as well.

17. Besides noting the contentions of the counsel for petitioner, these aspects which will have to be filtered eventually in the trial and will be potentially used by petitioner to deal with the case of the prosecution.

18. In these circumstances, the Court's opinion is that the petitioner is entitled to bail.

19. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission



of the Court.

- ii. Petitioner shall provide permanent address to the Trial Court.
The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner 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.
- vi. Petitioner will mark presence physically before the concerned I.O. every 1st Friday of every month at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

20. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

21. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

22. Accordingly, the petition is disposed of. Pending applications (if any)



are disposed of as infructuous.

23. Order '*dasti*'

24. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 27, 2024/RK/tk

Click here to check corrigendum, if any