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

+ **BAIL APPLN. 4035/2024**
DEEPAK KUMAR JUREL

.....Applicant

Through: Mr. Kirti Uppal, Sr. Adv.
with Mr. Amit Chadha,
Mr. Atul Kumar Sharma,
Ms. Vidhi Uppal, Mr.
Saarthak Sethi & Mr.,
Harjas Singh Chhatwal,
Advts.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Sanjeev Bhandari
(Adv.), ASC (CrI) for the
State along with Ms.
Charu Sharma, Mr. Arjit
Sharma, Mr. Vaibhav
Vats, Mr. Nikunj Bindal,
Advts.
SI Suresh Bhati, PS
Timarpur.
Mr. Sunil Dalal, Sr. Adv.
with Mr. Harshit Vashisht,
Mr. Avinash Kapoor, Mr.
Shivdeep Tripathi & Mr.
Lakshay Seth, Advts. for
R-2.

+ **BAIL APPLN. 4037/2024**
RAJ KUMAR SINGH

.....Applicant

Through: Mr. Kirti Uppal, Sr. Adv.
with Mr. Amit Chadha,
Mr. Atul Kumar Sharma,
Ms. Vidhi Uppal, Mr.
Saarthak Sethi & Mr.,
Harjas Singh Chhatwal,
Advts.

versus

STATE NCT OF DELHI

.....Respondent

BAIL APPLN. 4035/2024 & BAIL APPLN. 4037/2024

Page 1 of 11



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Advs.
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Mr. Avinash Kapoor, Mr.
Shivdeep Tripathi & Mr.
Lakshay Seth, Advs. for
R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.11.2024

CRL.M.A. 33241/2024 (exemption) in BAIL APPLN.
4035/2024 &
CRL.M.A. 33254/2024 (exemption) in BAIL APPLN.
4037/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

BAIL APPLN. 4035/2024 & BAIL APPLN. 4037/2024

3. The present applications are filed seeking pre-arrest bail in FIR No. 481/2024 dated 07.09.2024 registered at Police Station Timarpur for offences under Sections 498A/406/313/377/34 of the Indian Penal Code, 1860 ('IPC').
4. The FIR was registered on a complaint given by the victim. It is averred that the marriage between the applicant Deepak Kumar and the victim was solemnised on 03.12.2023. It is alleged that prior to the solemnisation of their marriage, the applicant Deepak, on 27.06.2023, demanded an Innova HY Cross 11 from the father of the victim, which was duly booked on 13.07.2023.

BAIL APPLN. 4035/2024 & BAIL APPLN. 4037/2024

Page 2 of 11



5. It is alleged that thereafter when the victim reached her matrimonial home on 04.12.2023, she was coldly treated by the applicants and the other family members over their dissatisfaction towards the items received in dowry. Subsequently, it is alleged that on 05.12.2023, the victim was asked to give all her jewellery, and other valuable items to her mother-in-law for safekeeping, and it is alleged that the same has still not been returned to the victim.

6. It is alleged that thereafter the victim went on a honeymoon trip with the applicant Deepak. During her trip from 06.12.2023 – 16.12.2023, it is alleged that the victim was forced by the applicant Deepak to engage in unnatural sex. It is alleged that even on her return, when the victim stayed in her parental home in Delhi along with her husband from 16.12.2023 - 17.12.2023, the applicant Deepak constantly expressed his discontent over the dowry articles received in marriage.

7. It is further alleged that the applicant Deepak had even raised a dowry demand for a sum of ₹10 lakhs to the victim's parents during his stay in Delhi. It is further alleged that on 17.12.2023, when the victim was still in her parental home with the applicant Deepak, she was once again forced to engage in unnatural sex. It is alleged that the mother-in-law and the applicant Raj Kumar (father-in-law of the victim) constantly instigated the applicant Deepak for raising demands of dowry, and also consequently provoked him to commit cruelty on the victim. It is alleged that on 20.02.2024, the victim and the applicant Deepak again visited the victim's parental home in Delhi on account of the ill health of the mother of the victim. It is alleged that even on that occasion, the applicant Deepak demanded dowry from the parents of the victim. It is further



alleged that even on that occasion, the applicant Deepak forced the victim to engage in unnatural sex with him.

8. It is alleged that on 08.03.2024, the applicant Raj Kumar came to reside with the applicant Deepak and the victim. It is alleged that thereafter the applicant Raj Kumar constantly made demands for dowry, and allegedly also behaved indecently with the victim. Subsequently, it is averred that on 01.04.2024, a meeting was also conducted at the parental house of the victim to discuss the indecent behaviour of the applicant Raj Kumar and the demands for dowry. Several others instances have also been highlighted to allege the constant demands of dowry and cruelty in relation to the demand for dowry meted out to the victim.

9. On 17.05.2025, the victim learnt of her pregnancy. It is alleged that thereafter, the applicant Deepak constantly forced the victim to terminate her pregnancy, and they also had quarrels over the victim's refusal to terminate her pregnancy. It is alleged that on 20.05.2024, the applicant Deepak accompanied the victim to the doctor wherein the victim was prescribed certain tablets by the doctor allegedly under the influence of the applicant Deepak in the name of vitamins. It is alleged that thereafter on 22.05.2024, the victim suffered severe pain in her body, and also started bleeding. To this, it is alleged that when the victim informed about the same to the applicant Deepak, he placated her by saying that such things are normal during pregnancy.

10. Subsequently, it is alleged that on 25.05.2024, the mother-in-law instigated the applicant Deepak, who then upon such instigation, allegedly inflicted fist blows on the victim's abdomen. It is alleged that thereafter even the applicant Raj Kumar, and one Sushil Kumar caught hold of the victim while she was allegedly beaten by the applicant Deepak in order to



forcefully terminate her pregnancy. It is alleged that the victim suffered immense pains and heavy bleeding owing to the beatings, and consequently suffered a miscarriage. It is alleged that the victim was left alone in the house after the incident. It is alleged that on 30.05.2024 the victim then left for her parental place in Delhi. It is alleged that the victim was taken to the hospital by her parents.

11. The learned Senior Counsel for the applicants submits that the applicants have been falsely implicated in the present case. He submits that the FIR in the present case was lodged as an afterthought after the applicant Deepak filed a divorce petition in July, 2024. He relies upon some videos appended to the present applications to contend that it was in fact the applicants who were assaulted by the victim. He then relies upon a transcript between the victim, her father, and the applicant Deepak to argue that there existed matrimonial acrimony between the victim and the applicant Deepak. He further relied upon a WhatsApp chat between the victim, and the applicant Deepak to contend that the termination of pregnancy was mutual as opposed to what has been alleged by the victim in the present case.

12. *Per contra*, the learned Additional Standing Counsel for the State vehemently opposes the grant of any relief to the applicants. He submits that the allegations against the applicants are serious in nature. He submits that the applicant Deepak is a Naib Tehsildar, and is an influential person in his area.

13. He submits that the applicant Deepak deliberately took the victim to the hospital wherein the doctor, under the influence of the applicant Deepak, prescribed certain tablets to the victim, on the pretext of vitamins, which subsequently led to the bleedings.



He further submits that the victim was beaten at the hands of the applicants which led to her miscarriage.

14. He relies upon certain chats between the victim and the applicant Deepak to argue that the applicant Deepak, right from the very beginning, was opposed to the idea of the pregnancy, and was constantly persuading the victim of get an abortion.

15. The learned Senior Counsel for the victim submits that the videos relied upon by the applicants' was purposefully recorded. He submits that the reliance placed by the applicants on such recording must not be considered because the applicants, from the very start, knew that the conversations were being recorded, and their demeanour aptly justifies their knowledge of the said fact.

16. He submits that the applicants are not cooperating with the investigation. He submits that the investigation is at a nascent stage, and prays that the relief of pre-arrest bail not be granted to the applicants.

17. I have heard learned counsel for the parties and have perused the record.

18. In the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra : (2011) 1 SCC 694***, the Hon'ble Supreme Court dealt with the issue of pre-arrest bail, and the balance that needs to be maintained while granting the same to an accused and further laid down the factors that must be taken into consideration while granting pre-arrest bail and held as under:

“...112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;



- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- iii. The possibility of the applicant to flee from justice;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.*
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Penal Code, 1860, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail..."*

19. In the present case, the allegations against the applicants are serious in nature. It is alleged that the applicants constantly tortured and harassed the victim in relation to demand for dowry. It is the case of the prosecution that the applicant Deepak forced the victim to engage in unnatural sex. It is further the case of the prosecution that the victim was deliberately given certain tablets



on the pretext of vitamins, and also subsequently beaten by the applicants which led to the miscarriage of the victim.

20. The abortion of the victim has not been denied. It is the case of the prosecution that the victim suffered a miscarriage at the hands of the applicants. From a perusal of the FIR, it is apparent that serious allegations have been made that the victim was beaten at the hands of the applicants on 25.05.2024 where she suffered immense bleeding, however, as is evident from the FIR, the victim went to her parental home only on 30.05.2024. It is contended that the victim had visited the doctor after the incident on 25.05.2024.

21. The allegations against the applicants' is one of forceful termination of pregnancy. It has been contended by the learned Senior Counsel for the applicants that though the victim has alleged that she suffered from bleeding as a consequence of the incident on 25.04.2024, there is no medical report to substantiate the averment.

22. It has, however, been contended by the learned Senior Counsel for the victim that after the incident that took place on 25.04.2024, the applicants left the house and did not return. He submits that the victim was thereafter taken to the hospital by her parents, and the report of the doctor during such visit clearly demonstrates that the pregnancy of the victim was terminated.

23. It has also been contended that the applicant Deepak, before the incident on 25.05.2024, had asked the victim to accompany him to the doctor for health check-up on 20.05.2024. It is contended that even on that occasion, the applicant Deepak being a Naib Tehsildar of his area, deliberately took the victim to a hospital that fell under his jurisdiction. It has further been contended that on that occasion, the doctor, under the influence



of the applicant Deepak had prescribed certain tablets to the victim on the pretext of them being vitamins, that subsequently caused immense pains, and led to bleedings. Such contentions, in the opinion of this Court, are serious in nature, and require further investigation.

24. This Court has also perused the video relied upon by the applicants. It is argued that the video itself materialises that it were applicants' who had been subjected to torture at the hands of the victim. From a perusal of the video, it is apparent that there is an altercation between the parties. The victim is also seen to be cursing, and on one instance, hitting the applicant Deepak. In the opinion of this Court, one incident reflecting matrimonial acrimony, in isolation, does not suffice, at this stage, to conclude that the entirety of the allegations levelled by the victim are frivolous in nature.

25. From a bare perusal of the FIR, it is evident that victim has made specific allegations against the applicants. Specific instances have been mentioned where the demands for dowry were made by the applicants. The complaint also points towards certain instances and specific dates wherein the victim was forced to engage in unnatural sex with the applicant Deepak. Such allegations are serious in nature, and cannot *prima facie* be termed as vexatious, false or frivolous.

26. Certain chats have also been relied upon by the applicants to contend that the decision to terminate the pregnancy was mutual. Upon a bare perusal of the chats, however, it is apparent that the chats do not indicate that the decision to terminate the pregnancy was mutual. The same only indicates that the victim was suffering from pain, for which, the applicant Deepak stated that he would speak to the doctor. The chat further only manifests



that one Shrati, stated to be a doctor, called the victim to inquire whether any piece was also discharged in the bleeding. The same alone is not indicative of the fact that the termination of pregnancy was mutual. On the contrary, the prosecution has also relied upon certain chats to indicate that right from the very beginning, the applicant Deepak was persuading the victim to terminate her pregnancy.

27. No reason has been mentioned as to why the victim would make such serious allegations against the applicants and their family members.

28. It cannot thus, at this stage, be held that the investigation is being carried out with the intention to injure or humiliate the applicants. The nature and the gravity of the allegations are serious. It is settled law that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS [Ref. *State v. Anil Sharma : (1997) 7 SCC 187*]

29. It is also pointed out that the applicants have failed to cooperate with the investigation. The investigating agency, thus, needs to be given a fair play in the joints to investigate the matter in the manner they feel appropriate.

30. The relief of pre-arrest bail is a legal safeguard intended to protect individuals from potential misuse of power of arrest. It plays a crucial tool in preventing harassment and unjust detention of innocent persons. However, the court must carefully balance the individual's right to liberty with the interests of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence, its societal impact, and the need for a comprehensive and unobstructed investigation.



31. For these reasons, considering the gravity of the allegations levelled by the victim, the role that has been ascribed to the applicants, the non cooperation of the applicants in the investigation, and the investigation being at a nascent stage, this Court does not deem it expedient to grant the relief of pre-arrest bail to the applicants at this stage.

32. In view of the above, in the present circumstances, this Court is of the opinion that custodial interrogation of the applicants ought not to be denied to the investigating authority.

33. Considering the aforesaid discussion, this Court is of the opinion that the applicants have not made out a *prima facie* case for grant of pre-arrest bail.

34. The present applications are accordingly dismissed.

35. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

36. A copy of the order be placed in both the matters.

AMIT MAHAJAN, J

NOVEMBER 11, 2024