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

+ **BAIL APPLN. 423/2023**

ASHISH KUMAR

.....Petitioner

Through: Mr. Manu Sishodia, Ms. Hina Rajput
& Ms. Ishika, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.

SI Vikas Rathi, P.S. Burari.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.01.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 439 read with Section 482 of the Cr.P.C. seeks regular bail in case FIR No. 764/2021 under Sections 304-B/498A/34 of the IPC, registered at P.S. Burari.
3. In the present case, FIR was registered on the complaint of the mother of the deceased. As per the said FIR, the deceased got married to the applicant on 22.01.2019 as per Hindu Rites and Ceremonies. It is stated that at the time of marriage, the in-laws of her daughter/deceased neither demanded any dowry nor put any pressure for the same. It is further stated by the complainant that her daughter/deceased was good in academics and after the marriage, she was staying at her matrimonial home alongwith her in-laws in Sant Nagar, Burari.
4. It is further stated that the applicant was a photographer and for about



7-8 months everything was normal in their matrimonial life. However, after the demise of her husband, whenever her daughter/deceased came to meet her or called her on telephone, she used to state that the applicant after drinking alcohol used to beat and taunt her in anticipation of dowry. It is stated that he used to taunt her with regard to having been given a smaller almirah, smaller table and smaller washing machine and that he did not like the articles given in the marriage.

5. It is pointed out that on 11.09.2021 (a day before the date of incident) while the complainant was at her younger son's house in Meerut, the daughter/deceased had called in the afternoon at 11 'o' clock and had said that there was acrimony at her matrimonial home. Thereafter the complainant spoke to the present applicant i.e son-in-law to explain to him to stop fighting.

6. On the next day at about 2-3 P.M., the daughter/deceased again called the complainant and informed her that the fight is still going on. In the evening the younger son of the complainant informed her that he had received a call from the in-laws of the daughter/deceased stating that the daughter/deceased was not well and in the evening she got to know that she had committed suicide but she suspected that her daughter had been killed.

7. During the course of investigation, the applicant and his father were arrested and the mother-in-law was granted anticipatory bail.

8. After completion of investigation, chargesheet has been filed which is pending before the court of competent jurisdiction.

9. Learned counsel appearing on behalf of the applicant submits that the latter is a patient of acute depression and it has come on record by way of a medical status report dated 10.03.2023 that he had attempted to committed suicide and thereafter has been granted interim bail on various occasions with



regard to his mental disorder. It is further submitted that the father of the present applicant has been granted bail by the concerned Trial Court *vide* order dated 15.01.2022.

10. Learned counsel for the applicant further submits that there is a 4 year old daughter from the wedlock between the applicant and the deceased, who is staying with his parents and there is no one else to look after her. Further the charges in the present case have been framed on 03.08.2022 and since then the trial has not progressed. No witness has been examined so far. It is further pointed out that the brother of the deceased has since passed away.

11. *Per contra*, learned APP for the State for the State confirms the fact that the brother has since passed away. It is further submitted that the family of the deceased in their statements before the Id. Executive Magistrate have stated that the applicant and her family members tortured the deceased for dowry. Further it is stated that the mother-in-law of the deceased had also beaten up and scolded the deceased for not giving adequate dowry.

12. It is pointed out that the trial is at a very initial stage and all witnesses including all material public witnesses are yet to be examined.

13. Heard the learned counsel for the parties and perused the record.

14. It is pertinent to note that in the statement made by the complainant, she has herself admitted that there was no demand of dowry made by the applicant or his family during marriage. The deceased and her family were unhappy on account of alleged substance abuse by the applicant. As per medical report dated 23.08.2022, the applicant had attempted to commit suicide. In the present application also, the applicant was granted interim bail *vide* order dated 27.04.2023 which was extended by various orders passed by the learned Predecessor Bench of this Court. As pointed out hereinabove, the



investigation in the present case has been completed and charges *qua* the present applicant have already been framed by the learned Trial Court on 03.08.2022 and not a single witness has been examined so far.

15. As per the nominal roll dated 26.11.2024, the applicant has been in judicial custody since 13.09.2021. Further the conduct of the applicant is stated to be satisfactory. Further the minor child of the deceased and the applicant is 4 years old and needs care and attention. Also, the trial is likely to take time to conclude.

16. In totality of the facts and circumstances of the case, the applicant is admitted to bail upon his furnishing a personal bond in the sum of Rs. 25,000/- alongwith one surety of like amount to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
17. The application is allowed and disposed of accordingly.
18. Pending application(s), if any, are also disposed of.
19. Needless to state, nothing mentioned hereinabove, is an opinion on the



merits of the case and any observations made herein are only for the purpose of the present bail application.

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

21. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 28, 2025/nk