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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 565/2025**
VISHAL BABUPetitioner

Through: Ms. Urvashi Bhatia, Advocate.

versus

THE STATE (NCT OF DELHI)Respondent
Through: Mr. Aman Usman, APP for State with
Niraj, PS Nihal Vihar.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **03.04.2025**
CRL.M.(BAIL) 272/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 565/2025

1. This is an application filed by the petitioner Vishal Babu, under Section 483 read with Section 528, BNSS, seeking regular bail in case FIR No. 688/2024, registered under Section 498-A/304-B/34 IPC, PS Nihal Vihar.
2. The subject-matter of the allegations against the petitioner is the death of his wife Sarita on 28.05.2024, who hanged herself. Statements of brother and father of the deceased were recorded, who stated that the marriage was solemnized on 22.06.2023. At the time of marriage, boy's family demanded four jewellery items and as per their demand, they gave one gold locket, one



pair of gold earrings, one gold nose-pin and one pair of silver pazeab along with Rs. 2 lakhs in cash. Sh. Deepak, (brother of deceased Sarita) gave statement that after marriage, his sister told that her mother in law, father in law, sister in law and Nandoi were asking for money and beating, abusing and torturing her. On the occasion of Holi, his sister came to his house at District Gaya, Bihar and stayed there for one month. During her stay, her father in law threatened his sister on telephone that they will not take back Sarita and will kill her if she came back to Delhi. Later, he made another call abusing his parents and Sarita and told that they have come to attend a marriage at Bihta, Patna and that Sarita can also join them. After that, he took Sarita at Bihta, Patna and handed over her to her in-laws. He further stated that on 28.05.2024 at 6.00 am, he received a call from the in-laws of Sarita that she has died.

3. Learned counsel for the petitioner states that FIR does not disclose the allegation of cruelty soon before the death, which resulted into “dowry death” of the deceased. It is further submitted that the allegations are general and vague in nature and essential ingredients of offence under Section 304-B are missing.

4. It has been further submitted that supplementary statements of the father and brothers recorded under Section 161 Cr. PC are tutored and afterthought as no such allegations were made in the earlier statements made before the SDM.

5. It is also submitted that before the fateful night i.e. 27.05.2024, there was some argument over serving hot ‘Roti’ by the deceased to her father in law. Deceased refused to serve hot ‘Roti’ as she had already wrapped up the kitchen work, resulting into heated conversation. Upon this, deceased went



to the kitchen and started inflicting injuries to herself with a vegetable cutter. Her mother in law snatched vegetable cutter from the deceased and slapped her and scolded her and told that she will talk to her parents in the morning. However, in the night, she committed suicide by hanging herself.

6. It is further submitted that petitioner is suffering from Schizophrenia since 2013 and is on medication. He is in custody since his arrest on 01.07.2204. Charge sheet has already been filed and his is not required for any further investigation. Charges are yet not framed and therefore the trial may take long time to conclude.

7. Learned Additional PP has opposed the bail application, arguing that there are specific allegations in the FIR that the family of the deceased was forced to give jewellery items and cash at the time of wedding and deceased had been complaining about harassment at her matrimonial home. The supplementary statements of the father and brother reveal that about 10-12 days before the occurrence, the deceased had made phone call to inform that her husband was harassing her for bringing Rs. 50,000/- cash from her parents house. It is argued that the allegations are grave and serious in nature and there is likelihood that on being released on bail, petitioner may try to threaten or intimidate the witnesses.

8. The basic ingredient to attract assumption in terms of Section 304-B of the IPC is that the death should have occurred under the circumstances which are not normal within seven years of her marriage and the victim was subjected to cruelty.

9. There are allegations in the FIR and in the supplementary statements of the father and brother that deceased was being harassed to bring Rs. 50,000/- from her family. The merits and demerits of the contentions



advanced at this stage and the statements relied upon by the prosecution are not required to be analyzed deeply. Admittedly, the deceased died within an year of her marriage at her matrimonial home. The death was not natural.

10. In my view, the accusations are grave and serious in nature and the punishment provided is also severe. Hence, in my view, it is not a fit case for grant of bail at this stage.

11. The application is accordingly dismissed. However, nothing expressed in this order shall tantamount to an expression on the merits of the case.

RAVINDER DUDEJA, J.

APRIL 3, 2025

RM