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

+ **BAIL APPLN. 770/2025**

PRATEEK SHUKLA

.....Petitioner

Through: Mr. Durges Rao Mr. Raj Kumar, Mr. Manish Kr., Ms. Chanchal, Mr. Sahil Singh and Mr. Kushagra Yadav, Advocates.

versus

STATE GOVERNMENT OF NCT OF DELHIRespondent

Through: Ms. Shubhi Gupta, APP for the State. Insp. Aadesh Kr., PS Anand Parbat. Mr. Saurabh Sharma, Advocate for complainant alongwith son of complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483(1) BNSS (Section 439 of the Cr.P.C.) seeks regular bail in case FIR No. 635/2023 under Sections 498A/304B of the IPC, registered at P.S. Anand Parbat.
3. The case of the prosecution as per the status report dated 05.03.2025 authored by Subhash Chandra, SHO PS Anand Parbat is as under:-

“1. Most respectfully it is submitted that the present case was registered on the statement of Sh. Rampal, father of deceased Deepa Shukla. The brief facts of the present case are that, on receiving of a PCR call vide DD No. 85A dated 28.9.23 regarding “brought dead by hanging”, SI Samsiva along with HC Sunil PS Anand Parbat reached at the Jeevan Mala Hospital where MLC of deceased Deepa Shukla W/o Pratheek Shukla R/o H. No. 171 Gali No. 6 Than Singh Nagar Anand Parbat Age 24 years was collected. Dead body of deceased Deepa Shukla was



shifted to Mortuary of Dr. RML Hospital and after that SI Samsiva reached at the house of deceased i.e., H. No. 171 Gali No. 6 Than Singh Nagar Anand Parbat Delhi where the door of the house was found closed from outside. The spot got inspected by Crime Team/FSL Team who seized half part of Chunni from Ceiling fan and half part of Chunni from the bed lying in the said house. Information regarding incident was given to SDM Patel Nagar as well as to Sh. Rampal S/o Krishna Bihari R/o Village Kharagpur Farukhabad U.P., (father of deceased Deepa).

2. On 29.9.23, complainant Sh. Rampal (father of deceased Deepa), reached at Delhi whose statement was recorded by SDM Patel Nagar wherein he alleged that *"Marriage of her daughter Deepa was solemnized on 30.1.23 with Prateek Shukla S/o Chandra Prakash Shukla R/o Village Hathoda Distt. Hardoi. After few days of marriage, Deepa and her husband started to live at Anand Parbat, Delhi in a rented premise but all was not good. Deepa used to inform her mother about harassment committed by Prateek Shukla for demanding LED, refrigerator, cooler and Washing Machine and non-fulfilment of which he used to beat Deepa. Complainant also stated that he has suspicion that Prateek Shukla and one Gaurav, nephew (Bhanja) of Prateek Shukla who resides with him, have killed Deepa"*. Accordingly the present case was registered on the said statement and investigation was taken up.

4. During the investigation, PM report of deceased Deepa was collected wherein it was opined that *"the cause of death is asphyxia as a result of ante-mortem hanging. However, blood and routine viscera has been preserved to rule out concomitant intoxication."*

5. During investigation, Prateek Shukla, husband of deceased, was arrested on 1.10.23 and sent to J/C. Mobile Phone of accused was also seized and taken into Police possession. Gaurav (nephew of accused Prateek Shukla) upon whom the family members of deceased made suspicion in commission of death of Deepa, was also interrogated. From the investigation, no concrete evidences came on record against Gaurav. Therefore section 34 IPC was removed and after completion of investigation, Charge Sheet U/s 498A/304B, against accused Prateek Shukla was filed before the Hon'ble Court. The case is pending trial at the stage of framing of Charge.

6. It is further submitted that FSL result has been received in respect of Viscera of deceased wherein it has been opined that *"On Chemical Microscopic TLC & GC-MS examination, metallic poison, ethyl and methyl alcohol, cyanide, phosphide, alkaloids, barbiturates,*



tranquilizers and pesticides could not be detected in the exhibits.”

4. Learned counsel appearing on behalf of the applicant admitted that the applicant had in fact, taken the deceased to the hospital alongwith the neighbours after breaking the locks of the front door, when he found her hanging. Learned counsel for the applicant further submits that apart from the statement made by the father of the deceased to the SDM, on the basis of which the FIR was registered, there is no other corroborating material to support the aforesaid allegations. It is submitted that the other co-accused person, namely, Gaurav Shukla, who was the nephew of the present applicant, was summoned by the learned Metropolitan Magistrate, despite not being chargesheeted, *vide* order dated 04.01.2024. It is submitted that a criminal revision petition being CR No. 80/2024 was preferred against the aforesaid order before the learned ASJ and *vide* order dated 21.10.2024, the aforesaid order summoning the co-accused, Gaurav Shukla, was set aside. It is further submitted that the chargesheet in the present FIR has been filed and further incarceration of the applicant is not justifiable.

5. *Per contra*, learned APP for the State alongwith learned counsel appearing on behalf of the complainant submits that the death of the deceased took place within 8 months of the marriage. It is further submitted as per the statements of the wife of the complainant (deceased's mother) and the son of the complainant (deceased's brother) under Section 161 of the Cr.P.C., there are allegations against the present applicant with respect to demand of dowry and torture being committed on the deceased. Learned counsel appearing on behalf of the complainant further submits that the complainant and other family members need to be examined before the learned Trial Court and there is a possibility of them being threatened.



6. Heard learned counsel for the parties and perused the record.
7. The case of the prosecution is that the applicant had taken the deceased to the hospital when he found her hanging in the house. On a pointed query from the Investigating Officer present in the Court, it is submitted that the Call Data Records (CDR) showing the proximate period of connectivity between the deceased and her mother have not been collected or placed on record. It is also not the case of the prosecution that there were any anti-mortem injuries on the body of the deceased, as per the Post-Mortem Report (PMR), indicating any assault on the deceased. Further on a pointed query from the counsel for the complainant as to whether any threat from the present applicant has been received so far, it is stated that no threats have been received. The parents of the deceased are residing at Farukhabad, Uttar Pradesh. As per the nominal roll dated 05.03.2025 authored by the Superintendent of Prison, Central Jail no. 04, Tihar, New Delhi, the applicant has been in custody since 01.10.2023. Chargesheet in the present FIR has been filed.
8. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to 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.
9. The application is allowed and disposed of accordingly.
10. Pending application(s), if any, also stands disposed of.
11. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 17, 2025/sn/Pc

Click here to check corrigendum, if any