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

+ **BAIL APPLN. 764/2025**

CHANDRA PRAKASH

.....Petitioner

Through: **Ms. Urvashi Bhatia, Advocate.**

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP for State with Insp. Sanjay Kumar, P.S.Budh Vihar and Insp. Yogendra Kumar, IO.**

Ms. Rajshri Sharma and Ms. Kanchan, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.04.2025

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1. First bail Application under Section 439 Cr.P.C read with Section 483 BNSS has been filed in FIR No.147/2019 dated 24.06.2019, under Section 498A/304B/34 IPC, P.S.Budh Vihar, Delhi.
2. It is submitted in the Petition that the Applicant was arrested on 06.07.2019. He was released on interim bail from 14.06.2021 to 07.04.2023 in accordance with HPC Guidelines. The father, mother and brother of the Applicant have already been granted regular bail. His two regular bail Applications have been dismissed by the learned ASJ *vide* Orders dated 20.07.2024 and 18.11.2024.
3. The bail is sought on the ground that before and after the



marriage, Petitioner/Applicant maintained friendly and cordial relationship with the entire family of the deceased. They frequently visited each other's house and there were no disputes between the Applicant and his wife or with the family members of the wife. After about a month of the marriage, there were some arguments between the deceased and mother of the Applicant as the mother confronted the deceased with the theft of certain money from her almirah, because of which she went back to her parental home at Rajeev Nagar where she stayed for about 8 months. Many efforts for reconciliation were made by the Applicant and his family members during this period but did not succeed.

4. Finally, the deceased contacted the Applicant after about 8 months and stated that she wanted to live with the Applicant on the condition that he agrees to reside separately from his parents. The Applicant agreed and brought the deceased back to the matrimonial home and they started residing in a rental house. After about 15-20 days deceased did not like the rented place and they shifted back to the matrimonial home. There were no disputes *inter-se* the deceased and the Applicant and his family members. However, on 09.06.2019 he on his return from job in the evening, found deceased hanging from a ceiling fan. The matter was reported and the police was informed. Statements of father, mother of the deceased were recorded by the SDM. FIR was registered under Section 498A/304B/34 IPC.

5. It is submitted that the brother of the Applicant who was arrested on 06.07.2019, was admitted to bail. The parents of the Applicant have also been admitted to bail.



6. It is submitted that the Applicant is a 30 year old young man who has worked hard to earn bread for his family members. The allegations made in the FIR are remote, general and omnibus as much as that the Complainant has not been able to mention a single incident of having any proximate connection with the cause of death. There are no specific allegations of cruelty or harassment. The allegations of dowry demand are remote and stale in time. In fact, no dowry demands were made by the Applicant or his family members.

7. The essential ingredients of Section 304B IPC have not been established. Likewise no offence under Section 498A IPC is made out.

8. A prayer is, therefore, made that he be granted bail. Reliance has been placed on Munna vs. State of NCT of Delhi and Siddhant Kumar vs. State NCT of Delhi.

9. **Status Report** has been filed on behalf of the State wherein it is submitted that the IO during the investigations, had seized the diary written by the deceased as was certified by the father. Effort was made to collect the handwriting of the deceased but it could not be obtained. Notice under Section 91 Cr.P.C was issued to Principal, GGSSS, Sector 20, Rohini to get the sample of her handwriting, but did not succeed.

10. During investigations and from the statements recorded, it was established that there were specific allegations against the accused in respect of dowry demand and harassment. The Bail Application is consequently, opposed.

11. **Learned counsel on behalf of the Complainant** has submitted



that the deceased was subjected to such acts of dowry and harassment that she was driven to commit suicide, in one year of marriage. Not only this because of the harassment, she was compelled to go back to her parental home where she remained for about 8 months. While the Applicant took her back, he undertook in writing that he would not subject the deceased to any kind of cruelty and would treat her well. Not only this, there is a Register that was being written by the deceased since the day of her marriage wherein she has in detail, recorded the manner in which she was being harassed for dowry and subjected to cruelty. It is submitted that looking at the gravity of the allegations, the bail be not granted to the Applicant.

12. Submissions heard and record perused.

13. It is an unfortunate incident where a young girl committed suicide within one year of her marriage. Though there are serious allegations of dowry and harassment, but that can be adjudicated after the trial and there cannot be a pre-conviction by withholding of the bail.

14. The parameters for grant of bail are essentially different. The accused/Applicant, husband of the deceased, is in judicial custody since 06.07.2019 i.e for more than six years out of which he was bail for two years on account of COVID Pandemic. The material witnesses have already been recorded. There are 33 prosecution witnesses out of which only 11 have been examined. The trial is likely to take long.

15. Considering the totality of the circumstances, the accused is granted Regular Bail, on the following terms and conditions:



- a) The Petitioner/accused shall furnish a personal bond of Rs. 35,000/- and one surety of like amount, subject to the satisfaction of the learned Trial Court.
 - b) The Petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;
 - c) The Petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
 - d) The Petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the Petitioner/accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
16. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court, for information and compliance.

NEENA BANSAL KRISHNA, J

APRIL 7, 2025

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