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

+ **BAIL APPLN. 1139/2025**

SATISH SHARMA

.....Petitioner

Through: Mr. Vimal Tyagi, Mr. Tripurari Jha,
Mr. Balaji Pathak, Mr. Sudhanshu
Tyagi and Ms. Anny, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP with SI
Ghanshyam, P.S.Wazirabad.
Ms. Neha Malik, Adv. for respondent.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

15.04.2025

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1. This is an application for grant of regular bail under Section 483 BNSS (under Section 439 Cr. PC) on behalf of applicant/accused Satish Sharma in case FIR No. 346/2023, under Section 498-A/304-B/34 IPC, PS Wazirabad.
2. Notice of the application was given to the State, and in response, State has filed status report.
3. Applicant/accused is the father in law of the deceased. Learned counsel for the applicant submits that applicant has been in custody since 14.04.2023. Co-accused Poonam Sharma and Shivali, who are the mother in law and sister in law of the deceased have already been granted anticipatory bail. It has been further submitted that the allegations of dowry demand and



harassment are general and vague in nature, without any specific details. It is also submitted that all the material witnesses are the relatives of the deceased and have already been examined.

4. Per contra, learned Additional PP for the State has argued on the lines of the status report. He submits that the date of marriage of deceased with co-accused Rajat Sharma is 14.04.2023 and the date of her death is 14.04.2023. He submits that during this short period, deceased was subjected to cruelty by the applicant and co-accused on account of dowry demand. He further submits that on demand of the applicant, Rs. 1 lakh was transferred by the father of the deceased in the account of the applicant. He argues that the allegations are grave and serious in nature, and therefore, applicant is not entitled for grant of bail.

5. In rebuttal, learned counsel for the applicant states that the only independent witness Satyapal Sharma (PW-6), who was the mediator in the marriage, has turned hostile and has not supported the prosecution case and in cross examination, he admitted that the amount of Rs. 1 lakh was transferred by the complainant to the account of the applicant for purchasing gold for the deceased.

6. As per allegations, deceased was being subjected to harassment on account of demand of dowry, due to which, she committed suicide by hanging herself on 14.04.2023.

7. Insofar as, presumption in law in case of dowry death is concerned, the same is meant to act as a deterrent to the demand of dowry and to ensure that there is no victimization. The allegations made against the applicant, will be tested in the trial and at this stage while considering the application for bail, only the parameters enshrined in that regard are to be considered



(Nadeem Chaudhary Vs. State of NCT of Delhi, Bail Application No. 39/2022, NC No. 2023/DHC/001600).

8. The object of keeping a person in custody is his availability to face trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors are also to be borne in mind while considering the bail application. The delay in commencement and conclusion of trial is also to be taken into account and accused cannot be kept in custody for indefinite period if the trial is likely to take long time.

9. In this case, prosecution has cited 29 witnesses. As informed, prosecution has dropped the mother of the deceased from the list of witnesses. Out of the remaining witnesses, only nine witnesses have been examined so far and therefore the conclusion of trial is likely to take long time. Petitioner is in custody for the last about two years.

10. It is not the case of the prosecution that petitioner is at flight risk or has any previous criminal antecedents.

11. Taking into consideration the fact that most of the vital witnesses have since been examined and conclusion of trial will take some time, but without expressing any opinion on merits, I deem it appropriate to admit the applicant to regular bail, subject to his furnishing a personal bond in the sum of Rs. 30,000/- with a surety of the like amount subject to the satisfaction of the trial court/Duty Magistrate as also subject to the following conditions:-

- i) that applicant/accused shall not directly or indirectly make any inducement, threat or promise to the complainant or any witness during trial or tamper with the evidence;
- ii) that applicant/accused shall provide the IO/SHO of PS Wazirabad with his mobile number and in the event of change of residential address,



shall inform about the same to the concerned IO/SHO;

iii) applicant/accused shall appear before the trial court regularly as and when directed;

iv) applicant/accused shall not indulge in any criminal activity and shall not communicate or come in contact with the complainant or any family member of the complainant.

12. With the above directions, the application is disposed of along with pending applications, if any.

13. Copy of this order be forwarded to the concerned Jail Superintendent for necessary compliance.

14. Order be uploaded on the website of this Court.

RAVINDER DUDEJA, J.

APRIL 15, 2025

RM