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

+ **BAIL APPLN. 1920/2024**

MUMTAZ ALI

.....Petitioner

Through: Mr Mayank Chouhan and Mr Suraj
Prakash Sharma, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms Priyanka Dalal, APP for State
Inspector Narendra Kumar, PS-Mayur
Vihar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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08.01.2025

1. This is a petition filed under section 439 of Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in FIR No. 508/2020, dated 23.10.2020, registered at Police Station-Mayur Vihar under Sections 304-B /302/34 of IPC, 1860.
2. The chargesheet has been filed under sections 304-B /302/498A/34 of IPC, 1860.
3. Briefly stating the facts are that on 21.10.2020, one, namely, Ms. Shabnam was brought to the Max Balaji hospital, Patparganj, where she was declared dead as per the MLC prepared by the doctor in the hospital. The marriage of the deceased Ms. Shabnam was solemnized with the son of the petitioner on 29.04.2019. The FIR came to be registered on the complaint of the father of the deceased stating that the brother and the father of the deceased have suspicion that the petitioner is involved in the death of Ms Shabnam on account of alleged dowry demands.
4. As per the Nominal Roll dated 28.11.2024, the petitioner has been in



custody for a period of 4 years, 1 month and 4 days. In addition, there is no other pending case against the petitioner and the conduct of the petitioner is also stated to be “satisfactory”.

5. Further, as per the charge-sheet, the postmortem report of the deceased opines as under:

“The cause of death is Asphyxia due to ante-mortem compression of neck by means of ligature suggestive of hanging. However, in which circumstances of the dead body was found possibility of homicidal hanging/foul play cannot be rule out.”

6. My attention has also been drawn to the statement of the brother of the deceased i.e. Mr. Mohd Taslim, dated 09.02.2023 which seems to suggest that the petitioner was in Rajasthan and not in Delhi around the time when the alleged incident took place.

7. In the present case, the petitioner has undergone incarceration for over a period of four years and is still an undertrial prisoner. The allegations against him are yet to be proved. In addition, there are 40 witness cited by the prosecution, out of which only 6 witness have been examined till date.

8. I am of the view that the trial is not likely to conclude in near future and the continued incarceration of the petitioner will be violative of the Article 21 of the Constitution of India. Every accused has a right of a speedy trial.

9. For the aforesaid reasons, the petitioner is directed to be released on regular bail subject to the following conditions:

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;



- (b) The petitioner shall provide his mobile number to the concerned Investigating Officer, which shall be kept in working condition and switched on at all times.
 - (c) The petitioner shall also furnish his residential address and in case he changes his address, he will inform the same to IO concerned and this Court also;
 - (d) The petitioner shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the Jail Superintendent;
 - (e) The petitioner shall not directly/indirectly try to get in touch with the complainant or any other prosecution witness or tamper with the evidence.
 - (f) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
10. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
11. Copy of this order be communicated to the concerned Jail Superintendent electronically for information.
12. The petition is disposed of accordingly.

JASMEET SINGH, J

JANUARY 8, 2025

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[Click here to check corrigendum, if any](#)