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

+ **BAIL APPLN. 3385/2024**

ARUN KUMAR

.....Petitioner

Through: Mr. Kundan Chandravanshi, Mr. Ravi Chouhan, Mr Ankur Yadav and Mr. Anuj Goswami, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Mansi Sharma, Advocate.
Insp. Rizwan, P.S. Karawal Nagar and Retired Insp. Ram Avtar, Main IO.
Mr. H.K. Dhariwal and Mr. R.S. Rathi, Advocates for complainant through Vc.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **19.05.2025**

1. This hearing has been done through hybrid mode.
2. The present application is the 3rd Bail Application under Section 439 read with Section 482 of the CrPC seeking regular bail in Case FIR No. 337/2020, registered under Sections 498A/304B/341 of the IPC at PS Karawal Nagar.
3. The first two applications on behalf of the applicant were dismissed as withdrawn *vide* order dated 19.03.2021 and 18.03.2024 in Bail Application No. 3683/2020 and Bail Application No. 3123 of 2023, respectively.



4. The case of the prosecution is that on 23.06.2020, a PCR call was received *vide* DD No. 9A at PS Karawal Nagar regarding hanging by a girl. Thereafter, police personnel from the said police station reached the spot and found one girl lying on the bed who was the wife of the present applicant.

5. It is alleged that the mother of the deceased Smt. Razo Devi and brothers Ashok Kumar and Deepak were present at the spot who informed that the applicant and deceased got married on 26.01.2020 and she had committed suicide as she was being harassed by her in-laws for demand of dowry. The learned Executive Magistrate, thereafter, recorded the statement of the mother of the deceased wherein she alleged that her daughter got married to the applicant on 26.01.2020 and they had given dowry as per their financial capacity. It was further alleged that soon after marriage, her daughter was being harassed by the applicant and other in-laws who were demanding a vehicle and were also physically and mentally torturing her. It was alleged that the deceased was left by the applicant at her paternal home on 15.05.2020, thereafter she committed suicide on 23.06.2020. On the basis of the said statement the present FIR was registered and the matter was investigated.

6. It is the case of the prosecution that during the investigation, brother of the deceased produced her mobile phone which was seized by the Investigating Officer. The brother of the deceased also produced two mobile phones which were used at his home stating that it contains voice recording and whatsapp chats between the applicant and family members of the deceased. Similarly, one pendrive containing voice recording of the applicant and other family members of the deceased along with hand written transcriptions and screenshots of Whatsapp chats were also seized by the Investigating Officer. After filing of the charge-sheet, the present case is at



the stage of prosecution evidence.

7. Learned counsel appearing on behalf of the applicant submits that in the statement given by the mother of the deceased before the learned Executive Magistrate, general allegations had been made against all the members of the family of the applicant including his father, mother and brothers. It is pointed out that the father of the present applicant has since passed away and the mother and the brothers have been granted anticipatory bail. It is submitted that all the public witnesses have been examined before the learned Trial Court and he has been in custody for nearly 3 years. It has been pointed out that he was released on HPC Guidelines from 13.07.2021 to 07.04.2023 and thereafter was again released on interim bail from 30.04.2023 to 03.05.2023. It is stated that without misusing the liberty granted, the petitioner had duly surrendered.

8. *Per contra*, learned APP appearing on behalf of the State assisted by learned counsel for the complainant submits that allegations in the present FIR are very serious. It is submitted that in the testimony of the mother of the deceased (PW-1) recorded before the learned Trial Court, it has been stated that the present applicant along with other family members including his mother as well as brothers had been harassing the deceased by demanding a 4 wheeler vehicle. In the said testimony it is also stated by the mother of the deceased that she was informed by the latter one day prior to the date of the incident the applicant had told her that the child conceived by her did not belong to him, therefore, he would not keep her in the matrimonial home. It is further submitted that there is a CDR connectivity between the applicant and the deceased.

9. Heard the learned counsel for the parties and perused the records.



10. On a pointed query to the learned APP appearing on behalf of the State with regard to whether any evidence has come from the mobile phones seized or the voice recording as well as the Whatsapp chats to support the allegation for demand of dowry, on behalf of the applicant it is stated that no such evidence has come on record by way of the aforesaid material. The mother-in-law and the brother-in-laws of the deceased were granted anticipatory bail by the learned ASJ *vide* orders dated 29.07.2021 and 19.07.2021, respectively. In the statement given by the mother of the deceased before the learned Executive Magistrate, the allegations made against the present applicant as well as his brothers and mother are common in nature. The allegations with respect to the applicant denying the paternity of the child were never made in the statement given to the Executive Magistrate. The allegations made by the family of the deceased is a matter of trial and shall be determined by the learned Trial Court after examining the evidence on record.

11. As per the nominal roll dated 28.11.2024, the applicant in custody since 08.07.2020 and has undergone 2 years 7 months 26 days of judicial custody which would bring his custody period to nearly 3 years. During the course of the hearing it was pointed out that out of 32 witnesses only 6 have been examined so far. The trial is likely to take considerable time to conclude.

12. As noted hereinabove, the applicant had been granted interim bail as per HPC guidelines and did not misuse the indulgence granted to him.

13. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- 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.
14. The application is allowed and disposed of accordingly.
 15. Pending applications, if any, also stand disposed of.
 16. 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.
 17. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 18. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 19, 2025/kr/pr
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Click here to check corrigendum, if