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

+ **BAIL APPLN. 3644/2024**

MAMTA SHARMA

.....Petitioner

Through: Mr. Rajat Katiyal, Mr. Kartik Kumar,
Mr. Akash and Mr. Sparsh Agarwal,
Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.
Insp. Amit Dutt Sharma, P.S. KM Pur
and Insp. Narender Singh, P.S.
Ghazipur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.02.2025

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1. The present application has been filed seeking anticipatory bail on behalf of the Applicant in case FIR No. 222/2024 registered under Sections 80, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023¹, registered at P.S. K.M. Pur.

2. The case of the prosecution, in brief, is as follows:

2.1 On 02nd July, 2024, a PCR call was received at P.S. K.M. Pur reporting suicide of a lady. On reaching the spot, police were told that the lady was taken to Safdarjung Hospital. Upon their arrival at the hospital, it was confirmed that the lady, Ms. Pratima, wife of Mr. Rohit Sharma, had

¹ "BNS"



been declared dead. Based on the statement of the deceased's mother, an FIR was registered the same day.

2.2 In the said statement, the mother of the deceased stated that her daughter was married to Mr. Rohit Sharma on 23rd November, 2023 with the consent of both families. At the time of the marriage there was no demand for dowry. However, over time, the deceased's in-laws began mistreating her daughter and making dowry demands. She specifically alleged that the in-laws taunted her daughter for not providing certain items, including a ring, an almirah, a refrigerator, and a sofa as part of the dowry. She further alleged that the deceased's mother-in-law (Applicant herein), pressured her to take her daughter back to her maternal home. Consequently, she complied with their demand. During this period, the deceased confided in her mother stating that her husband, (Rohit), was having an extramarital affair with his sister-in-law (*Bhabhi*) Neha, and both of them subjected her to harassment. Despite this, the deceased insisted on continuing her marriage and staying with her husband.

2.3 On the day of the incident – i.e., on 02nd July, 2024, the Complainant left for her office while her daughter was asleep in her room. Upon returning home, she discovered that her daughter had committed suicide by hanging.

2.4 During the course of the investigation, the deceased's mother provided an additional statement, further implicating the Applicant. She alleged that the Applicant along with the deceased's husband - Rohit, persistently demanded dowry from the deceased. Upon the deceased's failure to meet these demands, both the Applicant and her son allegedly subjected her to physical and emotional abuse. She further claimed that the Applicant openly favoured Neha (the sister-in-law) over the deceased, and



when the deceased objected, the Applicant purportedly taunted her, stating that if she wished to be treated equally, she must bring additional dowry from her parental home.

2.5 As the investigation progressed, the deceased's mother and sister produced a suicide note, purportedly written by the deceased, in which she explicitly blamed her husband for her decision to end her life. Acting on the FIR, statement of the relatives of the deceased as well as the purported suicide note, the police arrested Rohit (the husband of the deceased). A chargesheet has since been filed against him.

2.6 After 16th December, 2024, the Petitioner joined investigation and has appeared before the Investigating Officer.

3. Counsel for Applicant submits that the allegations against the Applicant in the impugned FIR are vague and unsubstantiated. There is no specific role attributed to Applicant that directly links her to the alleged abetment of suicide. He points out that the deceased had voluntarily left her matrimonial home months before the incident. He further places reliance on a Non-Cognizable Offence Information Report dated 10th May, 2024, which was recorded at the instance of the deceased. He highlights that in this report, the deceased made no allegations of dowry harassment or mistreatment at the hands of the Applicant. Instead, the only grievance recorded in the said complaint pertained to her husband's alleged extramarital affair with Neha. This, he argues, contradicts the subsequent allegations made by the deceased's family and raises serious doubts about their veracity. It is also emphasized that, at the time of her death, the deceased was residing at her maternal home, and not at her matrimonial home.



4. Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application. He submits that after the registration of the case, statement of the relatives of the deceased was recorded under Section 180 of the BNSS, after which the accused Rohit (husband of the deceased) was arrested and is presently in custody. He submits that during the course of investigation, the suicide note produced by the relatives of the deceased (mother and sister) was analysed. In the said note, the deceased had stated that her husband, mother-in-law (Applicant herein), Neha Sharma (*Jethani*/ sister-in-law) and Pankaj (*Jethi*/ brother-in-law) were the reason of her demise. On further investigation, the said suicide note was sent to the FSL for matching of handwriting on the suicide note with the admitted handwritings of the deceased. The said FSL report has opined that the handwriting on the suicide note matches with the specimen of handwriting of the deceased. He emphasizes that the circumstances leading to the deceased's suicide extend beyond the alleged extramarital affair of her husband and that various aspects of domestic harassment, including dowry-related demands and emotional distress inflicted upon the deceased, are being probed. Given these factors, he contends that the custodial interrogation of the Applicant is essential for a comprehensive investigation.

5. The marriage between the Applicant's son and the deceased was solemnized on 23rd November, 2023. Unfortunately, this marriage was short-lived and marked by discord, eventually culminating in the unfortunate demise of the deceased.

6. The allegations made in the Non-Cognizable Offence Information Report recorded on 10th May, 2024, provides insight into the underlying reasons for the marital discord. In her statement, the deceased alleged that



she had been subjected to physical assault by her husband and sister-in-law, Neha, and requested police intervention. Additionally, she expressly stated her decision to return to her maternal home due to the continued hostilities in her matrimonial household. Notably, there is a significant gap of nearly two months between the said complaint and the unfortunate incident of 2nd July, 2024, which raises questions regarding the immediate circumstances leading to her death. Furthermore, it is undisputed that at the time of her death, the deceased was residing at her maternal home.

7. Determining what transpired in the intervening period and identifying those responsible for the deceased's mental state leading to her suicide requires a full-fledged trial. The specific role, if any, of the Applicant in abetting the suicide must be ascertained on the basis of evidence presented before the Trial Court. At this stage, such a determination would be premature.

8. Considering the above, as well as the fact that the Petitioner has now joined investigation, it is directed that, in the event Petitioner is arrested, she shall be released on bail, on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the NCT of Delhi without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall not contact the family members of the deceased



in any manner;

e. The Applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;

9. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial or be taken as an expression of opinion on the merits of the case.

11. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

FEBRUARY 3, 2025

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