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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4223/2024

SHRI GAURAV MITTAL

.....Petitioner

Through: Mr. N. S. Dalal, Ms. Nidhi Dalal, Mr.
Alok Kumar, Ms. Rachana Dalal, Mr.
Kunal Nerwal, Mr. Karan Mann,
Advs.

versus

THE STATE GOVT OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
SI Sandeep, PS Aman vihar
Mr. Amit Rana, Mr. Anil Kumar,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

31.01.2025

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1. This is a petition filed under Section 483 read with Section 528 of BNSS, 2023 seeking grant of regular bail in FIR No. 389/2024 dated 14.06.2024 under Sections 498A/306/34 of IPC and section 3 and 4 of Dowry Prohibition Act registered at Police Station Aman Vihar.
2. The FIR was registered by the brother of the deceased namely Karan Garg.
3. As per the FIR, it is stated that the deceased namely Priyanka Mittal, was married to the petitioner for 8 years and ever since the date of marriage, the family of the petitioner was troubling the deceased for dowry.
4. Additionally, there are allegations that the deceased was both physically and mentally tortured on numerous occasions for dowry and was not given proper food to eat and the petitioner has repeatedly threatened the



deceased for divorce. There were frequent fights between the petitioner and the deceased.

5. On the date of the incident, i.e. 12.06.2024, it is stated that the family of the complainant were only informed regarding the death of the deceased after 8 hours of the incident.
6. Mr. Dalal, learned counsel for the petitioner has urged that the petitioner has been in custody since 14.06.2024. There is nothing incriminating against the petitioner. The petitioner has clean antecedents and hence must be released on bail.
7. Mr. Rana, learned counsel for the complainant has drawn my attention to the post-mortem report and most particularly the aspect with regard to the external injuries which read as under:-

“2. Contusion, reddish blue in colour, measuring 3.5 cm x 1.5 cm present over the front of left arm, situated 12 cm above the elbow joint and 2 cm inner to longitudinal axis.

3. Contusion, reddish blue in colour, measuring 4.5 cm x 2 cm present over the front of left forearm, situated 5 cm proximal to wrist joint and 1.5 cm inner to longitudinal axis.

4. Contusion, reddish blue in colour, measuring 1.5 cm x 0.5 cm was present over the front of right leg situated 22 cm above the level of medial malleolus and 1 m outer to longitudinal axis.”

8. He further states that the opinion of the medical board about the injuries as reproduced above are anti-mortem in nature, fresh in duration and produced by blunt force.



9. It is therefore his submission that the deceased was given physical beating 7 to 8 hours prior to her death which led to the unfortunate event of her taking the extreme step of her ending her life.
10. I have heard learned counsel for the parties.
11. In the present case, admittedly, the petitioner and the deceased have been married for 8 years. There is not a single complaint made by the complainant or her family members regarding the demand of dowry or physical beating by the petitioner or his family members.
12. The facts regarding the injuries are questions of trial and would be proved/ disproved in accordance with law.
13. Another important aspect is the statement of the daughter of the petitioner and the deceased, aged 7 years old, who categorically states that “there were no altercations between my mother and father”. Additionally, the petitioner has clean antecedents.
14. The apprehension of the complainant that the petitioner will influence the witnesses as the trial is yet to begin, can be addressed by imposing stringent conditions.
15. For the said reasons, the petition is allowed and the petitioner is directed to be released on regular bail subject to the following terms and conditions:-
 - a) The petitioner shall furnish a personal bond in the sum of Rs 10,000/- (Rupees ten thousand only) with 1 surety in the like amount, to the satisfaction of the concerned trial court;
 - b) The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial



court;

- c) The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d) The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e) The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f) The petitioner shall appear in Court on every date of hearing unless exempted;
 - g) The petitioner shall not communicate with, or come into contact with any of the prosecution witnesses or family of the deceased, or tamper with the evidence of the case.
 - h) The petitioner shall not be in the vicinity of the deceased or any of her family members.
16. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.
17. The petition is disposed of.
18. *Dasti.*

JASMEET SINGH, J

JANUARY 31, 2025/sp