



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4287/2024**
ADITYA KUMAR PANDEYPetitioner
Through: Mr. Inder Dev Singh, Advocate.
versus
THE STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Pardeep Gahlot, APP.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

06.02.2025

1. As there was holiday on 05.02.2025, the matters of the said date are taken up for hearing today i.e. 06.02.2025.
2. There is a petition seeking bail in FIR No. 338/2024, registered under Section 498A/304B/323/34 of IPC and Section 3 & 4 of D.P. Act, 1961, Police Station Mandawli, Fazalpur, District East.
3. As per the facts, the petitioner and the deceased were married on 17.04.2022 according to Hindu Rites. On 17.09.2023, the victim Ms. Archana was found dead by hanging from the ceiling fan. Consequent to the death, the complaint was filed by the father of the deceased, based on which, zero FIR was registered in Sultanpur, UP on 04.01.2024.
4. Subsequently, the FIR was registered by police and the petitioner was arrested on 19.07.2024 and has been in custody since the said date.
5. Mr. Singh, learned counsel for the petitioner states that in the inquest report before the Magistrate, the complainant as well as the brother of the deceased have levelled no allegations against the petitioner. He



also states that a perusal of the diary of the victim shows that there were fights between the petitioner and the victim, but these fights were of generic nature and there are no allegations of dowry demands or conduct of nature likely to drive the deceased to commit suicide.

6. Mr. Gahlot, APP for the State opposes and states that as per the post-mortem report, there are external injury marks on the body of the deceased. He further states that the death has occurred within two years of the marriage and hence, there is a presumption against the petitioner under Section 113-B of the Indian Evidence Act.
7. I have heard counsel for the parties.
8. In the present case, the inquest proceedings recorded by the Executive Magistrate, the father of the deceased had categorically stated as under:-

“1. I Shri Rama Shankar S/o Harinath R/o16/11 B D Ghat Civil Lines Kanpur hereby state that my daughter Archana Tiwari got married on 17.04.2022 to Aditya Pandey S/o late Shri Ram Raj Pandey resident of 244 / 3 Gali No. 3 School Block Mandavali as per Hindu customs and rituals.

2. I spent as much as I could on the marriage and neither the boy nor the in-laws had any other demands.

3. Here in Delhi, my daughter and son-in-law lived alone and both husband and wife were employed. During their one and a half year of marriage, there used to be some quarrels between them but my daughter never mentioned any demand for dowry.

4. Yesterday afternoon 17.9.2023 around 2:00 pm I got a call from my son-in-law and he told me that my daughter Archana has hanged herself and after 5 minutes he called again and told me that Archana has died.

5. My daughter last spoke to her brother on 15-9-23 in which she did not mention anything, after that she spoke to my wife i.e. Archana's mother. I have no complaint against my son-in-law or his family, but why did Archana take such a step



should be investigated and if any information is found, action should be taken against the culprits.”

9. The same is also signed by the brother of the deceased. A perusal of the same, shows that the complainant as well as the brother of the deceased categorically stated that they have no complaint against the petitioner.
10. Additionally, the perusal of the diary maintained by the deceased shows that the marriage between the deceased and the petitioner was patchy and disturbed, but does not show that there were any dowry demands made by the petitioner or his family members or there was any wilful conduct of the petitioner which was of a nature to drive the deceased to commit suicide or to cause grave injury or danger to her life.
11. The injuries on the body of the deceased were as a result of atrocities by the petitioner or were for any other reason, can only be ascertained by trial.
12. The petitioner has also been in custody for a period of almost six months.
13. For the said reasons, the present petition is allowed and the applicant/ petitioner is directed to be released on 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) each 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 the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

- 14. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
- 15. The petition stands disposed of in the aforesaid terms.
- 16. *Dasti* under the signatures of Court Master.

JASMEET SINGH, J

FEBRUARY 5, 2025/pratibha

Click here to check corrigendum, if any