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

+ **BAIL APPLN. 54/2025**

RAHUL RATHORE

.....Petitioner

Through: **Mr. Randheer Singh, Advocate**

versus

**THE STATE GNCT OF DELHI THROUGH SHO P S SWAROOP
NAGAR**

.....Respondent

Through: **Mr. Raj Kumar, APP for the State
with Insp G R Meena, PS Swaroop
Nagar**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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09.01.2025

CRL.M.A. 342/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present bail application has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023/Section 439 of the Criminal Procedure Code, 1973, on behalf of the petitioner seeking regular bail in case arising out of FIR No. 301/2022, registered under Sections 304B/498A of the Indian Penal Code, 1860 (hereinafter 'IPC'), at Police Station Swaroop Nagar, Delhi.
4. Briefly stated, facts of the case are that a PCR call received on 29.04.2022 regarding an episode of suicide being committed by the



deceased. During the course of investigation, the statements of the mother and family members of the deceased were recorded.

5. The complainant in the present case is the mother of the deceased, who in her statement recorded before the Executive Magistrate informed that the deceased was married to the accused on 28.11.2021. A gold chain was given to the family of the accused on demand as dowry. She further mentioned that the deceased was being harassed for non-fulfilment of demand of dowry and she was being harassed by them continuously. It is specifically mentioned that at the time of marriage, a seven litres washing machine was given as dowry. However, the same was returned and there was a demand of bigger washing machine of ten litres. It is also specifically mentioned in the statement that cash of ₹10,000/- was given to the accused for the purpose of buying the washing machine. In the statement, it is also mentioned that the deceased was beaten by the accused and she used to inform her family members about being harassed.

6. The statement of the brother of the deceased, recorded before the Executive Magistrate, also reflects that in addition to the above mentioned allegations, on 22.04.2022, when the deceased had met them on the occasion of marriage of their cousin, she had informed one of the relatives that she was being harassed by the accused and her in-laws and had requested that she wanted to accompany them to her parental home. However, they had insisted her to stay in the matrimonial home. The deceased thereafter allegedly committed suicide on 29.04.2022.

7. Charge-sheet in this case has been filed under Sections 304B/498A/34 of IPC, and the case is at the stage of recording of evidence.

8. The learned counsel appearing for the present accused/applicant



submits that the applicant has been in judicial custody since 01.05.2022 and he has been falsely implicated in the case. It is contended that there are no specific allegations of any cruelty being inflicted upon the deceased, and no demand for dowry was ever raised either by the accused or his family members. Therefore, it is prayed that the applicant be granted regular bail.

9. The learned APP for the State, on instructions from the Investigating Officer (IO), submits that the public witnesses, including the complainant, who have been examined before the learned Trial Court, have fully supported the prosecution case. Moreover, the cross examination of the material witnesses is yet to be conducted. It is argued that since the allegations against the applicant are grave and serious in nature, the present bail application be dismissed.

10. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

11. In the preceding discussion, this Court has already taken note of the statements of the complainant i.e. mother of the deceased, as well as of the brother of the deceased, who have disclosed the details pertaining to demand of dowry made by the accused and his family members, and as to how the deceased was harassed and abused for demand of dowry.

12. In the post-mortem report, the cause of death of the deceased has been opined as asphyxia due to ante-mortem hanging. Concededly, the deceased has died under unnatural circumstances, within a period of about three years of marriage, and there are allegations of committing cruelty for demand of dowry against the accused persons.

13. At this stage, therefore, considering the overall facts and circumstances of the case, seriousness of the offence and considering the



fact that some material witnesses are yet to be examined and cross-examined, this Court finds no ground to release the applicant on regular bail.

14. The application is accordingly dismissed.

15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 09, 2025/A

Click here to check corrigendum, if any