

State vs. Sita Devi

CNR No.: DLCT01-014967-2021

SC No. 595/2021

FIR No. 151/2021

Under Section 498-A/304-B/34 IPC

PS Prasad Nagar

02.06.2022

Present : Mr. Anil, Ld. Addl. PP (Substitute) for the State.
Mr. Vimal Puggal, Advocate for the accused, namely, Sita Devi.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'Cr.P.C.'*) for seeking regular bail in respect of the accused, namely, Sita Devi (*Hereinafter referred to as 'the applicant'*).

2. Ld. Counsel for the applicant contended that the applicant alongwith her husband, namely, Govind Soni and son, namely, Suraj Soni is accused of subjecting her daughter-in-law, namely, Pooja Soni to cruelty or harassment for, or in connection with, any demand for dowry who committed suicide by hanging herself from a ceiling fan in a room in her house with a stole (*chunni*) within 7 years of her marriage. He contended that case FIR under Section 304B/498A/34 IPC was lodged on the statement of Mr. Parveen Soni, brother of the deceased. He contended that material witnesses of the prosecution are Mr. Moti Lal Soni, father of the deceased, Poonam Soni and Priya Soni, sisters of the deceased and Bhagya Shree, sister-in-law of the deceased.

3. Ld. Counsel for the applicant contended that the said witnesses are examined by the prosecution and they have not deposed anything incriminating against the applicant. He contended that the applicant is an aged lady and she is in judicial custody since 22.06.2021. He contended that the applicant was not present when the deceased committed suicide. He contended that the applicant is a permanent resident of Sardar Shahar, Distt. Churu, Rajasthan. He contended that two minor children of the deceased are in need of care and affection of the applicant. He contended that the applicant deserves to be released on bail.

4. Ld. Addl. PP for the State contended that material witnesses, namely, Sanjay Soni, Deepak Soni, Ramlal Soni, Tolaram, Vinod Jangid, Kishan Gopal and Puneet Sharma are yet to be examined. He contended that the applicant is facing charges for committing serious *offence* of dowry death and it cannot be said, at this stage, that other witnesses of the prosecution would not have any value in proving the charges against the applicant. He prayed for dismissal of bail application.

5. On examination of judicial file, it is seen that the applicant is facing charges for commission of *offences* under Section 304B/498A/34 IPC. The case of the prosecution is that on 07.06.2021 at about 10.30 p.m. in a room in her house, Ms. Pooja Soni, daughter-in-law of the applicant committed suicide by hanging herself from a ceiling fan with a stole (*chunni*) within 7 years of her marriage.

6. It is further case of the prosecution that the applicant alongwith her husband, namely, Govind Soni and son, namely, Suraj Soni subjected her to cruelty or harassment for, or in connection with, demand for dowry, soon before her death.

7. The case FIR was lodged on the statement of Mr. Parveen Soni, brother of the deceased. He was examined as **PW-4**. However, he has not deposed anything incriminating against the applicant. Mr. Motilal Soni, father of the deceased was examined as **PW-1**. Ms. Poonam Soni, elder sister of the deceased was examined as **PW-2**. During investigation, their statements were recorded under Section 164 Cr.P.C. However, they have not deposed anything incriminating against the applicant. **PW-5** Bhagya Shree, sister-in-law of the deceased and **PW-6** Priya Soni, sister of the deceased were examined. However, they have also not deposed anything incriminating against the applicant.

8. On further examination, it is seen that PW Puneet Sharma and Smt. Deep Sakkarwal are neighbors of the deceased and they reached at the place of incident on hearing noise where they helped the accused, namely, Suraj Soni in bringing down body of the deceased from ceiling fan. PW Tola Ram had sold mobile phone to Shyam Lal Soni. Shyam Lal Soni was examined as **PW-7**. He did not depose that he had purchased the said mobile phone from Tola Ram for the accused, namely, Suraj Soni.

9. PW Kishan Gopal is TTE of the train in which the deceased was traveling with her husband and children on 07.06.2021 from Ratangarh Railway Station, District Churu, Rajasthan to Delhi. He stated, in his statement under Section 161 Cr.P.C., that the deceased and the accused, namely, Suraj Soni had no arguments in his presence.

10. In view of examination of the material witnesses and absence of any incriminating evidence against the applicant in the evidence of material witnesses examined by the prosecution, as stated above, this Court does not find any plausible reason to deny bail to the applicant.

11. Accordingly, the application under Section 439 Cr.P.C. for seeking regular bail in respect of the applicant, namely, Sita Devi is allowed. The applicant is admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of this Court.

12. A copy of order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of order be sent to the concerned Jail Superintendent for onward communication to the applicant.

Sanjay Sharma-II
ASJ-03, Central District,
Tis Hazari Courts, Delhi
02.06.2022