

IA No. 02/2023
SC No. 82/2022
State Vs. Aslam
FIR No. 275/2021
PS: Dayalpur
U/s: 498-A/304-B/201/34 of IPC

17.08.2023

**ORDER ON APPLICATION FOR BAIL OF
APPLICANT/ACCUSED ASLAM**

1. This order of mine will disposed of an application for bail filed by applicant/accused Aslam.
2. I have heard the Ld. Counsel for the parties.
3. Sh. Vishal, Ld. Proxy counsel for the applicant/accused Aslam has submitted that this applicant/accused has been falsely implicated in the present case and he was arrested way back on dated 09.07.2021 and since then, he is behind bars. He has also submitted that on the date of marriage with the deceased, this applicant/accused had not taken divorce from his wife and submitted that there is no demand of dowry against this applicant/accused and also submitted that two witnesses of the prosecution have already been examined and prayed for grant of bail, as, the other co-accused have already been granted bail.
4. On the other hand, Sh. Sukhbeer Singh, Ld. Addl. PP for the State has vehemently opposed the present application for grant of bail and submitted that the marriage of this applicant/accused with the deceased was solemnized on dated 26.03.2018 and at the time of marriage of this applicant/accused

with the deceased, he had concealed the fact from the complainant that he had not taken divorce from his first wife and submitted that this applicant/accused had also concealed the material fact that at the time of marriage with the deceased, this applicant/accused is also having a son from his first wife and after marrying with the deceased, this applicant/accused alongwith other co-accused started beating to the deceased and demand of cooler and motorcycle was also made, as per the statement of father of the deceased, recorded by the SDM on dated 08.07.2021 and submitted that complainant Mohd. Akhtar, who is father of the deceased has categorically stated in his statement that this applicant/accused alongwith other co-accused used to demand for dowry and they also used to beat the deceased and he had also paid Rs.50,000/- to this applicant/accused and for the some days, their behaviour of remained normal, but thereafter, they again started beating and mentally harassed to the deceased and submitted that this applicant/accused alongwith other accused had thrown the deceased from the 4th floor, as a result of which, she had expired and further submitted that since, the transcription of the telephonic talks held between this applicant/accused and father of the deceased are placed on the record, which reveals that this applicant/accused also threatened to the deceased to take divorce and asked to the father of the deceased to take her from his house and even on the date of death of the deceased, deceased had made talk with her father and told him that this applicant/accused had threatened to kill the deceased and while this accused was

making talk with the father of the deceased and then, the father of the deceased phoned to the deceased, who had told him about the atrocities committed by the applicant/accused. But, in between the phone was cut and thereafter, her phone was switched off and thereafter, the father of the deceased made call to this accused, but, he did not pick the call and submitted that since, the father of the deceased has alleged that the deceased was thrown from the 4th floor by this accused and co-accused and submitted that serious allegations of demand of dowry are levelled and the case of dowry death is made out and complainant is yet to be examined and since, the charges u/s. 498-A/34, 304-B/34 & 201/34 of IPC are framed against this applicant/accused. He may temper with the prosecution evidence, if bail is granted to him, so, at this stage, he does not deserve the concession of bail and prayed that this application for grant of bail filed by this applicant/accused may be dismissed.

5. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

6. The perusal of the record reveals that in the case in hand, this applicant/accused alongwith the co-accused is alleged to have thrown the deceased from the 4th floor and marriage between the applicant/accused with the deceased was solemnized on dated 26.03.2018 and the deceased had expired on dated 07.07.2021 and the death was unnatural and the charges u/s. 498-A/34, 304-B/34 & 201/34 of IPC have been framed against this applicant/accused and since, the complainant is yet to be

examined. The possibility of tempering with the prosecution evidence cannot be ruled out, so, taking into consideration the nature of accusation and gravity of offences alleged to have been committed by this applicant/accused and likelihood of tempering with the evidence of the prosecution, he does not deserve the concession of bail. Therefore, **application for grant of bail filed by the applicant/accused Aslam is dismissed**. Dasti copy of this order be provided to the parties. Attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to the applicant/accused Aslam.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/17.08.2023