

IA No. 3/2023
SC No. 393/2022
State Vs. Karuna Mishra
FIR No. 356/2022
PS: Sonia Vihar
U/s: 302/304-B/498-A/34 of IPC

22.05.2023

Present: Sh. Nadeem Qureshi, Ld. Counsel for applicant
/accused Karuna Mishra.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Sh. Ajay Tyagi, Ld. Counsel for the complainant.
IO/Insp. Arun Kumar.

1. The matter is fixed for hearing arguments on the application for grant of bail filed by the applicant/accused Karuna Mishra.

2. Today, on calling the case, ld. Counsel for the applicant/accused has appeared. Ld. Counsel for the complainant has also appeared. IO has also appeared.

3. I have heard the Ld. Counsels for the parties.

4. Sh. Nadeem Qureshi, Ld. Counsel for the applicant/accused Karuna Mishra has submitted that this applicant/accused was arrested way back on dated 09.09.2022 and since then, she is behind bars. He has further submitted that this applicant/accused is a married girl and her GONA ceremony is yet to be done and also submitted that the occurrence is alleged to have taken place in the intervening night of 02/03.06.2022 and submitted that the statements of the brother and father of the deceased were recorded by the SDM on dated 03.06.2022, wherein, they did not level any allegations against the accused. He has also submitted that the statements of the brother and father of the deceased were also recorded

by the IO and if the statement of the brother of the deceased, which was recorded on dated 03.06.2022 is looked into, then, it is clear that this applicant/accused Karuna Mishra had jumped from the roof, prior to the falling of the deceased and submitted that thereafter, on dated 04.06.2022 also, statements of the brother and father of the deceased were recorded, but, even in the said statement of Shivam (brother of the deceased), (who was there in the house of the accused on the date of occurrence), had stated that prior to falling of the deceased from the roof, the applicant/accused Karuna Mishra had jumped from the roof and submitted that no doubt, charges u/s. 498-A/34, 304-B/34 and 302/34 of IPC have been framed against this applicant/accused and submitted that since, this applicant/accused is a young married girl of aged about 26 years and submitted that the statements of the brother and father of the deceased are looked into, which were recorded by the SDM on dated 03.06.2022 and on dated 04.06.2022 and also by the IO, then, there are material contradictions therein and the story of the prosecution becomes doubtful and also submitted that the prosecution has relied upon the chat between the deceased and this applicant/accused, (on the same night of the occurrence), which show that the relations between the deceased and this applicant/accused were cordial and submitted that it will take time in completion of the trial and no fruitful purpose will be served by keeping this applicant/accused behind bars and prayed for grant of bail.

5. On the other hand, Sh. Sukhbeer Singh, Ld. Addl. PP for the State and Sh. Ajay Tyagi, Ld. Counsel for the complainant have vehemently opposed the present application for grant of bail and submitted that it is admitted fact that on the date of occurrence, the brother of the deceased was present in the house of the accused and

submitted that from the chat between the deceased and this applicant/accused, it is clear that this accused had called to the deceased at the roof for making talk and further submitted that since, no injury was observed by the brother and father of the deceased on dated 03.06.2022 on the body of the deceased, so, no incriminating statement was given against the accused by them. They have also submitted that only on dated 04.06.2022, when injuries were seen on the body of the deceased, then, father and brother of the deceased had again chosen to give their statements against the accused before the SDM, on the basis of which, the FIR has been registered on dated 20.06.2022 and further submitted that the statement of Shivam (brother of the deceased) u/s. 161 of CrPC was also recorded by the IO, from which, it is clear that the deceased was subjected to the cruelty by the accused and she has been murdered by the accused and charges u/s. 498-A/34, 304-B/34 and 302/34 of IPC have been framed against all the accused and submitted that other public witnesses are yet to be examined and prayed for dismissal of the present application.

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

7. The perusal of the record reveals that this applicant/accused was arrested way back on dated 09.09.2022 and since then, she is behind bars and is a married girl and her GONA ceremony was yet to be done. No doubt, charges against this applicant/accused have been framed u/s. 498-A/34, 304-B/34 and 302/34 of IPC and since, this applicant/accused is alleged to have jumped from the roof and in view of the same, she has suffered injuries in her backbone and she is still getting treatment and it will take time in completion of the trial, as, the next date of hearing for recording the

prosecution evidence are fixed for 19.08.2023 and 25.08.2023 and it will be futile to keep this applicant/accused behind bars for any longer, so, taking into consideration the facts and circumstances of the present case in their entirety, this applicant/accused Karuna Mishra is ordered to be released on bail on furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount, subject to condition that she will not temper with the evidence of the prosecution and she will not leave the territory of the NCT of Delhi without prior permission of this court and in case, this applicant/accused will violate any condition of this order, the prosecution will be at liberty to file application for cancellation of bail of this accused.

8. In the above said terms, **the application for grant of bail filed by the applicant/accused Karuna Mishra stands allowed.** Dasti copies of this order be provided to the parties. **The attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to this accused.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/22.05.2023