

SC No. 99/2022
STATE Vs. Manoj
FIR No. 784/2021
PS: Bhalswa Dairy
U/s 304B/498A IPC

20.05.2022.

File taken up today application u/s 439 Cr.P.C for grant of bail moved on behalf of applicant/accused **Manoj Kumar**.

Present: Sh. Sanjay Jindal, Ld. Addl PP for the State.
Sh. Mayank Punia, Ld. Counsel for the accused/ applicant.

Reply to the bail application has been received. It is submitted by the Ld. Counsel for the accused that accused is in JC since 12.11.2021 and he has falsely implicated in the present case and the present FIR has been planted on the present accused. He has further submitted the prosecution has failed to bring forth any material evidence on record which can prove the case beyond reasonable doubt, the case of the Prosecution that applicant/ accused committed the offence of dowry death of his wife as she committed suicide by hanging herself and was declared dead on 11.11.2021. He has further submitted that the essential ingredients of dowry death as defined in Section 304B of the Indian Penal Code are not made out from the charge-sheet. He has further submitted that the complainant and other public witnesses have failed to produce any documentary proof vis-a-vis the articles given by them in the marriage of the deceased and the accused/ applicant or any other monetary transaction between the family of deceased and the accused/ applicant. He has further submitted that the statements of the brother of the deceased namely Satish recorded under Section 161 Cr.PC is a mere reproduction of the statement of the complainant recorded by the SDM and the Investigating Officer has failed to perform his duty of conducting a fair

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impartial investigation. He has further submitted that the allegations of demand of dowry and cruelty being inflicted upon the deceased leveled against the applicant/ accused in the present FIR are vague in nature. The investigation qua the applicant/ accused has already been completed and thus applicant/accused is no more required for any custodial interrogation and no purpose will be served for the keeping the applicant/ accused in J.C. anymore and applicant/ accused belongs to a reputed family and accused is ready to furnish sound surety to the entire satisfaction of this Hon'ble Court. The applicant/ accused is ready to abide by all the terms and conditions, if any, imposed by the Hon'ble Court at the time of granting the bail. Ld. Counsel prayed for grant of bail to the appellant/ accused.

On the other hand, Id Additional P.P for State had opposed the bail application and submitted that applicant/accused was present in the same room where the victim had died. Ld. PP has further submitted that in the present case the presumption under Section 113 B of the Evidence Act will also be applicable hence no bail be granted to the accused/ applicant.

Heard. Keeping in view the fact that death of the wife of the accused has taken place under mysterious circumstances and his presence on the spot prima facie alleged to be there, so the merely fact that there was no earlier complaint against the accused person cannot rebut the presumption u/s 113B of the Evidence Act. The mother of the deceased is at present standing in support of the accused person but earlier she had given statement to the police that she had received a call from the family member of the

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accused regarding cruelty/ harassment being caused by the accused persons and the death has taken soon thereafter. Hence there is no ground for the bail. The present bail application is **dismissed** and same is disposed of accordingly. Bail application file be tagged with main case file. Copy of order be given dasti to the concerned parties.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi: 20.05.2022(S)