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IA. No. 15/2023 in SC No. 152/2020  
State Vs. Abhiraj @ Azad  
FIR No. 496/19  
PS Shahbad Dairy  
U/s 498A/304B/34 IPC

**03.11.2023**

**This is an application under Section 439 Cr.P.C. for grant of regular bail moved on behalf of applicant/accused Abhiraj @ Azad.**

Present:- Mr. Harvinder Nar, Ld. Additional PP for the State.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Shambhu Sharan Shukla, Ld. Counsel for applicant/accused.

*The parents of the deceased/complainant have also been heard at the length, who have strongly opposed the bail application.*

1. Briefly stated, the present FIR had been registered under Section 498A/304B/34 IPC on the complaint of mother of deceased Smt. Shobha on the allegations that on 18.11.2018 her deceased daughter Priya solemnized marriage with applicant Abhiraj @ Azad, who is her neighbour, at Bihar and there is a girl child from the said wedlock. That after 04 weeks of marriage her daughter and Abhiraj @ Azad came to Shahbad Dairy, Delhi. That Abhiraj @ Azad used to beat her deceased daughter and the father in law and mother in law helped Abhiraj @ Azad. That the parents of Abhiraj @ Azad had demanded cash of Rs. 3 lakhs, 2 tola gold and motorcycle. That on 12.11.2019 at about 06:00 PM her neighbour informed the complainant that her daughter Priya had committed suicide by hanging herself. That she reached at the house of her daughter and found that Priya was unconscious

and was taken to BSA Hospital, Delhi.

2. It is argued by Ld. Counsel for the applicant/accused has been falsely implicated in the present case. That the accused was granted interim during the Covid period which was extended time to time and he duly surrendered by 07.04.2023 and there is nothing to suggest that he has flouted any of the terms or conditions. It is submitted that now the complainant/mother of the deceased has already been examined. That accused had a love marriage with the deceased on 18.11.2018 in Bihar and since then cohabited peacefully and a girl child was also born from the said wedlock. That there is no previous involvement of the applicant/accused. That applicant/accused is ready to abide by all the terms and conditions. It is prayed that a lenient view be taken.

3. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very grave and serious in nature.

4. Heard. Record perused.

5. The present FIR had been registered under Section 498A/304B/34 IPC on the complaint of mother of deceased Smt. Shobha on the allegations that on 18.11.2018 her deceased daughter Priya solemnized marriage with applicant Abhiraj @ Azad, who is her neighbour, at Bihar and there is a girl child from the said wedlock. That after 04 weeks of marriage her daughter and Abhiraj @ Azad came to Shahbad Dairy, Delhi. That Abhiraj @ Azad used to beat her deceased daughter and the father in law and mother in law helped Abhiraj @ Azad. That the

parents of Abhiraj @ Azad had demanded cash of Rs. 3 lakhs, 2 tola gold and motorcycle. That on 12.11.2019 at about 06:00 PM her neighbour informed the complainant that her daughter Priya had committed suicide by hanging herself. That she reached at the house of her daughter and found that Priya was unconscious and was taken to BSA Hospital, Delhi.

The present applicant is the husband of the deceased and stated to have played the main role in the crime. The parents of the deceased/complainant have strongly opposed the bail application stating that there is constant threat perception and in this regard, they have lodged a complaint with concerned SHO PS Shahbad Dairy on 01.11.2018, 25.10.2018 and 13.10.2018 to the Commissioner of Police, copies of which had been filed during the course of arguments.

It was also submitted that accused party is constantly threatening and the accused Anil Mandal, father of the applicant was involved in a kidnapping case, to which it was submitted by Id. Counsel for the accused he has already been acquitted vide a judgment dated 09.03.2021 by the Ld. Fast Track Court at Khagaria, Bihar.

The last bail application of the accused had been dismissed vide a detailed order dated 15.07.2023 and since then, the only change in circumstance prayed by Id. Counsel for the accused that the complainant has now been examined, however, other material witnesses are yet to be examined. In the wake of the various complaints filed by the parents of the deceased regarding threat perception, there is every possibility that if released on bail, the accused may threaten the witnesses who are living in the same locality and being the parents of the wife of the accused/deceased

herein, their whereabouts are well known to the accused and his family.

There were serious allegations of demand of dowry and forcing the deceased to commit suicide. There is also a minor daughter presently in the custody of the parents of the deceased, who can be under threat but it was argued by Id. Counsel for the accused that being her father, he has filed a custody petition. No findings at this stage of bail are being given on this aspect as the same is beyond the jurisdiction of this court but it would not be out of place to observe that when the mother of the child herself was subjected to so much cruelty by the accused party, the child could further be traumatized. In case, the accused being the father seeks to financially support the child, he can make necessary arrangements by giving instructions to his parents but that alone cannot warrant his release at this stage. Seeing the totality of facts and circumstances and the gravity of the offence, no case is made out for grant of bail. **Accordingly, the bail application of applicant/accused Abhiraj @ Azad stands dismissed.**

Application stands disposed off.

6. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

7. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

**(Shefali Sharma)**  
**Addl. Sessions Judge-02(North)**  
**Rohini Courts Delhi/03.11.2023**