

IA. No. 18/2024 in SC No. 152/2020
State Vs. Abhiraj @ Azad
FIR No. 496/19
PS Shahbad Dairy
U/s 498A/304B/34 IPC

05.09.2024

This is an application under Section 483 BNSS for grant of regular bail moved on behalf of applicant/accused Abhiraj @ Azad.

Present:- Ms. Promila Singh, Ld. Additional PP for the State.

Reply to the bail application has already been filed.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Mayank Punia, ld. Counsel for applicant/ accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered.

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 material witness including the parents of the deceased have 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. It was further argued that there was not mention of demand of dowry and harassment in the initial version of the witnesses. It was stated that out of the 05 witnesses viz. Shobha, Dinesh, Raj Kumar, Ajit Singh and Babloo Mandal, whose statements were recorded before the Ld. SDM, only PW Shobha had alleged allegations of demand of dowry but even in her statement recorded on 12.11.2019, there was no such allegation. That the main ingredients of Section 340B IPC are not made out. It was further argued there were allegations of beating the deceased by the applicant/accused off and on but from the postmortem report, there was no indication of any injury mark. The co-accused Anil Mandal and Meena Devi have already been enlarged on bail. That after the demise of deceased, the family members have falsely implicated 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. 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. The parents of Abhiraj @ Azad had demanded cash of Rs. 3 lakhs, 2 tola gold and motorcycle. On 12.11.2019 at about 06:00 PM her neighbour informed the complainant that her daughter Priya had committed suicide by hanging herself. 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.

It was argued by Id. Counsel for the accused that in a video co-accused Anil Mandal and complainant Dinesh can be

seen in a footage together dated 07.08.2022. Be that as it may, it is while disposing off the application subsequent to that on 03.11.2023, the parents of the deceased i.e. complainant Dinesh and his wife had strongly opposed the bail application alleging threat perception. 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 done earlier. On the last date of hearing, they filed a copy of complaint which is still pending before Ld. Magistrate bearing Complaint Case No. 2949/2021 titled as Dinesh Singh & Ors. Vs. Anil Mandal & Ors, wherein specific allegations are being made against the applicant that on 25.08.2021 at about 10.07 p.m., the accused came to the house of complainant in drunken condition and started abusing and threatening the complainant and his family to withdraw the present case otherwise the accused would kill the family of the complainant. On the basis of the above, he had given a complaint to DCP and CP on 26.08.2021. The order dated 22.07.2022, filed by the accused himself reflects that not only there is alleged threat to the parents of the deceased but also there is dispute regarding the minor child of the deceased, who is in safe custody of the parents of the deceased at the moment and it was submitted that they have apprehension that the applicant and other co-accused persons may cause harm to the minor girl child as well like they had eliminated their daughter deceased Priya. Although, no findings on this alleged threat perception is being given as the matter is still pending for pre summoning evidence before the Ld. Magistrate but is surely suggestive of the constant threats being extended by the accused or his other

family members.

As regards the argument that there was material improvement in the statement of the witnesses, the same shall await final finding at the conclusion of trial. However, PW Shobha and Dinesh have categorically made allegations of dowry demand and harassment against the applicant/accused.

After giving a detailed finding the earlier bail applications of the applicant/accused have been dismissed by this court vide orders dated 15.07.2023, 03.11.2023, 30.01.2024 and 04.06.2024.

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/05.09.2024