

State Vs. Prashant Sehrawat & Ors.

29.01.2022

Through Video Conferencing

This is the 2nd application for grant of regular bail moved on behalf of the applicant/accused Prashant Sehrawat.

Present : Sh. Harvinder Nar, Ld. Addl P.P for the state.

Sh. Himanshu Mathur, Ld. Counsel for the applicant/accused.

It is submitted by Ld. Counsel for the applicant/accused that the applicant/accused is innocent person and he has been falsely implicated in the present case. It is further submitted that applicant/accused is the husband of the deceased and is in JC since 19.08.2020, chargesheet has been filed and same is pending trial before this court and no useful purpose would be served by keeping the applicant/accused in custody. It is further submitted that other co-accused have already been granted bail and prayer is made for grant of bail.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that allegations against the applicant/accused are serious in nature and it was the applicant/accused who had brought the deceased to the hospital. It is further argued that the date of marriage of the deceased is 07.12.2019 and the date of demise is 18.08.2020 and the deceased / wife died within a span of a year of the marriage and thus an adverse inference in terms of Section 113(B) of Indian Evidence Act has to be drawn against the applicant. It is further argued by Ld. Addl. PP for the State that an application for grant of interim bail as per the guidelines of HPC was moved by the applicant and same was dismissed with detailed order dated 31.08.2021 and if applicant/accused is granted bail, he may jump the bail and he may also threaten the witnesses.

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I have heard Ld. Counsels for the parties and perused the record carefully.

Allegations against the applicant/accused are serious in nature. Deceased Sakshi died within one year of the marriage and this is the second bail application and the first bail application was dismissed by this court vide order dated 31.08.2021 which was on the ground of HPC.

The court has to presume that the offence u/s 304B IPC is committed if the unnatural death is caused within 7 years of the marriage of the wife. This presumption is rebuttable and the accused has to rebut the same at the relevant stage. Thus, at this stage while deciding the bail application, I am not inclined to comment or give opinion regarding the law laid down u/s 113-B Evidence Act. This court has to decide whether the applicant is entitled to regular bail or not. In the present case, it is alleged that there was demand of dowry and the wife was subjected to cruelty before her death and she died unnatural death within a year of her marriage. Where the offence is of serious nature like cases of dowry death, the court has to decide the question of grant of bail in the light of such considerations as the nature and seriousness of offence, character of the evidence, circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being secured at the time of trial and the reasonable apprehension of witnesses being tampered with, the larger interest of the public or such other similar considerations.

Thus, under the facts and circumstances of the case, I am not inclined to grant bail to the applicant/accused Prashant Sehrawat. Hence, bail application stands dismissed.

**(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts / Delhi / 29.01.2022**