

FIR No. 558/2018
PS Vijay Vihar
State vs. Nikhil Goyal and ors.

07/01/2019

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State
Sh. Manoj Dahiya, Ld. Defence counsel for
applicant/accused Nikhil
Sh. Arun Kumar Tiwari, Ld. Counsel for the
complainant.

File taken up today on the application of
applicant/accused Nikhil u/s 439 CrPC for seeking interim bail

Reply has been filed by the police.

It is argued by ld. Counsel for the applicant/accused that the father of the applicant was an employee in the Indian Railway and he retired from the department as an Account officer in the year 2017 but unfortunately he expired due to heart attack on 23/12/2017. It is further stated that applicant has applied for job in Indian Railway on compassionate ground and he received a communication dated 29/5/2018 for appearing in suitability test for 4/7/2018 for the post of Junior Account Assistant cum typist but unfortunately he was arrested in the present case on 29/8/2018 and hence at present interim bail is being sought so that he can re-communicate with Indian Railways to get the said job on the said compassionate ground as applicant is stated to be CA i.e. well qualified person.

Per contra, Ld. Addl. PP for the State, who is assisted by ld. Counsel for the complainant has opposed the bail application.

Present FIR u/s 498 A/304B/34 IPC was registered on the complaint of Sh. Pradeep Gupta who is father of the deceased. Applicant/accused was married with the daughter of the complainant on 10/12/2017 and as per record, the deceased committed suicide on 28/8/2018. During investigation, IO had recorded statement of family members of the deceased including her parents and her sister wherein it is alleged that after marriage applicant/accused alongwith his family members started harassing and torturing his wife on account of demand of dowry which finally resulted in her committing suicide. The allegations are very grave in nature. Although this application has been moved on humanitarian ground, but the court cannot loose sight of the merits of the case.

In totality of the facts and circumstances, it is not a fit case for grant of interim bail on the ground asked for. Applicant is at liberty to move appropriate application for seeking custody parole so that he can be taken in custody to the office of Indian Railways, if required, for the needful in the matter.

In view of the above, this application has no merit and same is dismissed.

(Deepak Garg)
ASJ-II, North-West
Rohini: Delhi
07.01.2019