

SC ID no. 156/19

IA No. 15/21 & 16/21

State Vs. (1) Krishna Devi
(2) Soren Singh

FIR No. 573/18

P.S. Harsh Vihar

U/s. 304-B/498-A/34 IPC

17.03.2021

Present : Sh. Rakesh Mehta, Ld. Addl. PP for the State.

Ms. Ifat Sultana, Ld. Counsel for applicants/accused.

PSI Ajay Kumar is present on behalf of IO.

These two applications are filed on behalf of above named applicants/accused for grant of bail u/s. 439 Cr.P.C.

Ld. Counsel for applicants/accused argued that applicants have surrendered on 12.03.2021 & 14.03.2021 as they were on interim bail as per directions/guidelines of High Powered Committee of Hon'ble High Court of Delhi. Ld. Counsel for applicants vehemently contended that no specific allegations have been made by the complainant in the FIR and her supplementary statement was recorded after 13 days. It has been submitted that parents of the deceased have been examined as PW-1 & PW-2 and they have made various improvements in their statements recorded before the court. Ld. Counsel for applicants further argued that husband of the deceased namely Dinesh has already been granted bail by this court, therefore, applicants are also entitled to bail on the ground of parity.

Per contra, bail application is opposed by Ld. Addl. PP for the State while submitting that deceased Manju committed suicide within 8 months of the marriage. Ld. Addl. PP further contended that there are specific allegations regarding harassment of deceased on account of demand of dowry. It is submitted that there is presumption U/s.113-B of the Indian Evidence Act as to dowry death and it is for the accused to show why deceased took such drastic step within 8 months of the marriage.

In brief, as per FIR registered on the statement of Smt. Sarbati-mother of the deceased, marriage of her daughter namely Manju was solemnized with Dinesh @ Monu on 04.02.2018 as per Hindu customs and rites and they had given dowry in the marriage as per their status. Her daughter Manju lived in the matrimonial home for three months in a right manner but after three months her in-laws started demanding dowry and harassing her daughter. In-laws of her daughter were demanding Car, gold ring & Rs. 1 lakh cash, which she could not give. On 15.11.2018, at about 4.15 pm, she received a call from Soran Singh-father in-law of her daughter, who informed her that her daughter has hanged herself and asked her to come immediately at their house. Thereafter, they reached at the matrimonial home of their daughter, which was found locked and thereafter, her husband made a call to Soran Singh, who asked them to come to GTB hospital, where they came to know about death of her daughter. Dinesh @ Monu (husband), Gaurav (Dewar), Soran Singh (father in-law) and Krishna (mother in-law) are responsible for the incident.

In an authority reported as **Dr. Vinod Bhandari vs. State of M.P. 2015 (2) JCC 1127**, it was observed by Hon'ble Supreme Court as under:-

“It is well settled that at pre-conviction stage, there is presumption of innocence. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of the allegation or the availability of material in support thereof are not the only considerations for declining bail. Delay in commencement and conclusion of trial is a factor to be taken into account and the accused cannot be kept in custody for indefinite period if trial is not likely to be concluded within reasonable time”.

The unfortunate death of deceased Manju occurred within eight months of the marriage. Complainant Sarbati and her husband both have been examined as PW-1 & PW-2. As per testimony of father of the deceased it was decided that marriage would be a simple marriage with token money of Rs.1 only as a gift but after the ring ceremony, the family members of groom and the mediator made a demand of bullet motor-cycle, A.C and Rs.1 lakh in cash.

As far as plea of Ld. Counsel for applicant that parents of deceased made various improvements in their testimonies recorded before this court is concerned, suffice it to say that at the stage of considering bail minute appreciation of evidence is not required as it may cause prejudice to either of the party. Prosecution has cited 19 witnesses in the main charge-sheet, out of which only two have been

examined so far.

Keeping in view the fact that parents of deceased have already been examined and co-accused Dinesh has been granted bail, applicants are also admitted to bail on their furnishing personal bond in the sum of Rs.30,000/-each with one surety each in the like amount subject to the condition that applicants shall not contact complainant or temper with prosecution witnesses.

Nothing stated herein above shall tantamount to an expression on the merits of the case.

Applications accordingly stand disposed off.

(Sanjeev Kumar Malhotra)
ASJ-04/Shahdara
KKD Courts/Delhi/17.03.2021