

Bail application no. 422/18

IA No. 07/21

State Vs. Praveen Kumar

FIR No.387/16

P.S. Farsh Bazar

U/s. 498-A/306/302/201/120-B/34 IPC

13.05.2021

Bail application is taken up today through video conferencing by using 'CISCO Webex' App. during Covid-19 Pandemic in compliance of order No.2992-3015/Judl.SHD/2021, dt.08.04.2021 issued by Ld. District & Sessions Judge, Shahdara, Delhi.

ORDER

1. By way of present order, I propose to decide an application for grant of regular bail u/s. 439 Cr.P.C, as filed on behalf of above named applicant/accused during Covid-19 Pandemic.
2. Arguments have already been advanced by Sh. Y.K.Sharma, Ld. Counsel for applicant/accused as well as by Sh. Rakesh Mehta, Ld. Addl. PP for the State through video conferencing using 'Cisco WebEx' App. IO/Inspector Rajesh Johri has filed reply.

3. At the outset, it is pertinent to mention here that earlier arguments on behalf of applicant were heard on 12.04.2021 and application was reserved for orders, however, undersigned got infected with Covid-19 and as such, was isolated for 14 days. Today again one opportunity was granted to parties to readdress the arguments, if any and same have been heard through video conferencing by using 'Cisco WebEx' App.

4. Ld. Counsel for applicant/accused argued that initially a complaint was lodged against the applicant by complainant, who is father in-law of applicant on 17.09.2016 i.e after more than six months from the death of deceased. It is submitted that initially FIR was registered u/s.498-A/34 IPC. It is submitted that later on section 302 IPC was added and bail granted to applicant was cancelled. Ld. Counsel or applicant vehemently contended that complaint was lodged as applicant performed marriage with his sister in-law against the wishes of her parents and family members. Ld. Counsel for applicant further argued that deceased was having some skin and liver problem, due to which she was taking treatment and as such, Methyl alcohol and Ethyl alcohol were found in her viscera report. It has been submitted that as per medical jurisprudence and toxicology, the Ethyl alcohol exists in the alcohol beverages and Methyl alcohol found by the destructive distillation of wood or molasses. Lastly, it is submitted that co-

accused have already been granted bail and that applicant has not misused the liberty of interim bail.

5. Per contra, bail application is opposed by Ld. Addl. PP for the State while arguing that initially complainant was not aware that his daughter was murdered as applicant was having extra-marital relation with his younger daughter and in order to marry with his younger daughter, he committed murder of his elder daughter by giving poison and as such, initially complaint was filed u/s. 498-A/34 IPC. Ld. Addl. PP further argued that as per FSL result, the subsequent opinion was obtained from the doctor, who opined that deceased died due to poisoning. Ld. Addl. PP further argued that in case applicant is granted bail, possibility to temper with prosecution evidence cannot be ruled out as second wife of applicant is also younger daughter of complainant.

6. Briefly, the case of prosecution is that marriage of applicant was solemnized with daughter of the complainant namely Ragini as per Hindu rites and two children were born out of the said wedlock. After birth of the children applicant got attracted towards his sister in-law i.e younger sister of his wife namely Shivani and he had physical relations with her. His wife i.e deceased came to know about this illicit relation of applicant with her younger sister and she warned her husband (applicant) several times but he did not pay any heed to her

warnings. As per allegations, applicant brought one bottle of poisonous substance, which was consumed by his wife and later on, he threw the said bottle of poison in drain of Vishwas Nagar. After the death of Ragini applicant performed marriage with his younger sister namely Shivani and later on it revealed that in order to marry with sister of the deceased, applicant committed murder of his wife.

7. Hon'ble Supreme Court in **Chaman Lal vs. State of U.P (2004) 7 SCC 525** held that “ It is a well settled principle of law that while dealing with an application for grant of bail, it is the duty of the Court to take into consideration certain factors and they basically are (i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) Prima facie satisfaction of the court in support of the charge”.

8. Initially, complainant and other family members of deceased were not aware about the cause of death of Ragini. The viscera report of the deceased found to contain Methyl alcohol 11.70 mg/100 ml of blood and Ethyl alcohol 5.40 mg/100 ml of blood. After considering the FSL result the opinion of the doctor regarding the cause of death in present case is poisoning. The expert and the doctor, who gave the

opinion are yet to be examined. Allegations against applicant are grave and serious in nature.

9. Keeping in view the totality of facts and circumstances of the case, I am not inclined to grant regular bail to the applicant/accused. Accordingly, bail application stands dismissed.

(Sanjeev Kumar Malhotra)
ASJ-04/Shahdara
KKD Courts/Delhi/13.05.2021