

**IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04**  
**(SHAHDARA), KARKARDOOMA COURTS, DELHI**

SC No. 408/2023, IA No. 1/2024  
State Vs. Raman Kumar  
FIR No. 315/2023  
U/s. 323/341/506/498A/304B/302/34 IPC  
PS: Madhu Vihar

12.12.2024

This is second bail application moved under Section 480 of BNSS seeking regular bail on behalf of applicant/accused Raman Kumar.

Present: Sh. S.K. Dubey, Ld Addl. PP for State.  
None for applicant/accused.

Arguments on this bail application already heard.

1. It is submitted by Ld. Counsel for the applicant/accused that this is second bail application moved on behalf of applicant/accused; that first bail application was disposed off as withdrawn on 29.11.2023; that applicant/accused is innocent and has been falsely implicated in the present case; that the present FIR is false and fabricated and has been concocted by brother of the deceased/daughter-in-law of the accused/applicant after her death.

2. Ld. Counsel for the applicant/accused further submitted that the applicant/accused has clean antecedents and has nothing to do with the alleged offences; that charge-sheet has been filed in the present case and trial would take time and no purpose would be served by keeping the accused/applicant behind bars; that co-accused/father of the applicant/accused has already been enlarged on bail by Hon'ble High Court of Delhi vide order dated 07.03.2024; that accused/applicant undertakes not to abscond or tamper with the

evidence/ witnesses and to abide by all the terms and conditions, if imposed upon him.

3. Per-contrā, Ld. Addl. PP for the State opposed the bail application submitting that the allegations against the accused/applicant are gravest degree in nature; that on 06.07.2023, an information was received from GTB Hospital in PS regarding admission of Ms. Priya (deceased), W/o Sh. Raman Kumar (accused/applicant herein) in injured condition; that on receipt of information, IO reached at GTB Hospital and found that Ms. Priya was unfit for statement and on 08.07.2023, victim/ injured Ms. 'P' (wife of the accused/applicant) who was 8 months pregnant at that time, died.

4. Ld. Addl. PP for the State further submitted that statement of brother of deceased was recorded in the present matter and on 08.07.2023, on the basis of his statement, the present case FIR was registered; the complainant Sh. Neeraj Kumar, who happens to be brother of victim/deceased has stated that his sister/ deceased Priya got married with accused/applicant Raman Kumar on 27.04.2021 as per Hindu rites and Customs. However, to their dismay, after few months of marriage, accused Raman Kumar and his family members started harassing and beating his sister Priya; that on 05.07.2023, at about 10 pm, accused Raman Kumar and his family members gave beatings to his sister/ deceased and locked her in a room; that since her condition started worsening, they took her to LBS Hospital and thereafter, took her to GTB Hospital where she was medically treated; that on 08.07.2023, another sister of the complainant namely Gudiya told him that his sister Priya (now deceased) was beaten by her husband and her in-laws; that victim

Priya was in 8<sup>th</sup> month of her pregnancy, when she was killed by the accused persons.

5. Ld. Addl. PP for the State further submitted that as per the Post-mortem report, Doctor has opined that “time since death is about half a day; cause of death is shown as a result of “Due to coma as a result of antemortem cerebral damage consequent upon blunt force impact to the head produced by Injury no.3 i.e. Bruise, bluish in colour, measuring 5.0 cm X 3.0 cm, present over the parietal region of the back of head, crossing midline, 10.0 cm above the occipital protuberance, which is sufficient to cause death in the ordinary course of nature; all injuries are antemortem in nature and produced by blunt force; that Injuries No.1 and 2 i.e. Injury no.1 - Abrasion, redish in colour, linear in shape, measuring 2.5 cm X 0.1 cm, present over the right side of the face, 13.0 cm lateral to the midline and 2.5 cm above the right angle of mandible and Injury no.2 - Abrasion, redish in colour, linear in shape, measuring 1.4 cm X 0.1 cm, present over the right side of the face, 10.0 cm lateral to the midline and 1.0 cm above the right angle of mandible, are fresh in duration; that Injuries No.3 to 7 are caused about three to four days prior to death; Injuries no.8 to 15 are caused about five to seven days prior to death.

As per the Post-mortem report, internal examination of Uterus of deceased reveals that "on opening, the Uterine cavity contained an amniotic sac containing about 300 ml of amniotic fluid and one dead male foetus having cephalic presentation, with crown rump length measuring 41.0 cm, weighing 1.89 kg, with head circumference 30.0 cm, chest circumference 24.0 cm and umbilical cord length was measuring 38.0 cm; the bilateral eye lids were open; bilateral eye brows were present and scalp was covered with thick black hairs.

6. Ld. Addl. PP for the State further submitted that there are clear allegations of beatings levelled against the applicant/accused who is the husband of the deceased and his family members, due to which a 08 month pregnant woman and her child have lost their lives; that during course of investigation, mobile phones of deceased, accused/applicant husband Raman Kumar and sister of deceased were seized; that mobile phone of deceased Priya contains conversation between her and her sister whereby she is telling her sister that her husband i.e. applicant/ accused has physically assaulted her.

7. Ld. Addl. PP for the State has also argued that applicant/accused husband cannot be treated at par with co-accused/father of the applicant/accused who has been enlarged on bail by Hon'ble High of Delhi since there are graver and specific allegations against the accused husband, that the victim was subjected to physical assault by her husband soon before her death; that the victim /deceased allegedly made a phone call to her sister two days before her death complaining that her husband (accused/applicant) has beaten her (victim/deceased) and victim was in lot of pain and was also vomiting.

8. This Court has heard the arguments on this application and has also perused the record.

9. As per the case of prosecution, husband of the deceased (applicant/accused) as well as his family members gave beatings to the victim/ deceased, who was 08 months pregnant and caused her death as well death of her unborn child. As per PM report, time since death is about half a day; cause of death is shown as a result of "Due to coma as a result of antemortem cerebral damage consequent upon blunt force impact to the head produced by Injury no.3 which is sufficient to cause death in the ordinary course of nature; all injuries

are antemortem in nature and produced by blunt force; that Injuries No.1 and 2 are fresh in duration; that Injuries No.3 to 7 are caused about three to four days prior to death; Injuries no.8 to 15 are caused about five to seven days prior to death.”

PM report also reveals internal examination on the person of deceased i.e. of her Uterus which reveals "on opening, the Uterine cavity contained an amniotic sac containing about 300 ml of amniotic fluid and one dead male foetus having cephalic presentation, with crown rump length measuring 41.0 cm, weighing 1.89 kg, with head circumference 30.0 cm, chest circumference 24.0 cm and umbilical cord length was measuring 38.0 cm; the bilateral eyes lids were open; bilateral eye brows were present and scalp was covered with thick black hairs.

The allegations against the applicant/accused are grave in nature and due to the alleged beatings given by the applicant/accused husband to his 8 months pregnant wife, his wife/victim and her unborn child had died. Victim/ deceased is stated to have been beaten repeatedly by her husband/applicant even in her advanced stage of pregnancy. As per the PM report, the victim/ deceased was having fresh injuries on her body as well as injuries of 3-4 days and five to seven days prior to her death.

Role of applicant/accused husband cannot be treated at par with co-accused/father of the applicant/accused who has been enlarged on bail by Hon'ble High of Delhi since there are graver and specific allegations against the accused husband, that the victim was subjected to physical assault by her husband soon before her death; further, the victim /deceased allegedly had conversation through Whatsapp calls/messages with her sister two days before her death complaining that her husband (accused/applicant) has beaten her (victim/deceased) badly and that she was in lot of pain and was also

vomitting; screenshots of these messages/calls/video calls have also been placed on record, whereby, victim is being seen crying and in an injured/bad shape.

The allegations against the accused/ applicant are grave in nature. Beatings and infliction of injuries upon a 08 months pregnant woman and committing murder of a pregnant wife, whereby, quick unborn child has also died, shocks the conscience of society at large. The case is at the initial stage of trial. Investigation qua other family members/co-accused persons is also stated to be still pending. The prime witnesses in the present case are the family members of the victim/deceased who have not been examined yet. Possibility of threatening or influencing these witnesses, cannot be ruled out at this stage.

Considering the abovestated facts, circumstances, enormity of the offences alleged coupled with above-stated reasons, this Court does not find it a fit case to grant bail to the applicant/ accused Raman Kumar. Therefore, the present bail application stands, **dismissed**.

10. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

Copy of the order be given dasti to Ld. Counsel for applicant/ accused and to the I.O, as per rules. Bail application stands disposed off.

**(SURABHI SHARMA VATS)**  
**ASJ-04, Shahdara/KKD Courts,**  
**Delhi/12.12.2024**