

**\* IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 02.11.2010

Date of Order: 11<sup>th</sup> November, 2010

**+ Bail Appln. No. 1652/2010**

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**11.11.2010**

Rajesh

..... Petitioner

Through: Mr. Rajesh Chowdhary with  
Mr. J.B. Prakash, Advocates  
versus

State

..... Respondent

Through: Mr. Sunil Sharma, APP

**+ Bail Appln. No. 1501/2010**

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**11.11.2010**

Lajjawati

..... Petitioner

Through: Mr. Rajesh Chowdhary with  
Mr. J.B. Prakash, Advocates

versus

State

..... Respondent

Through: Mr. Sunil Sharma, APP

**JUSTICE SHIV NARAYAN DHINGRA**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

**ORDER**

1. By this order, I shall dispose of above two applications for anticipatory bail/bail made by the applicant/accused person. The applicant/accused have been named by parents of the deceased in offence under Sections 304-B, 498-

A IPC. The deceased had committed suicide at her in-laws house and after her suicide on the basis of statement of her parents, an FIR under Section 304-B and 498-A IPC was registered against in-laws of the deceased.

2. A perusal of the statements made by the father, mother and brother of the deceased to I.O as well as to the SDM would show that all of them consistently stated that the in-laws were not allowing their daughter/sister to come to their house or to telephone them and they had not no contact with the daughter. However, mother of the deceased made statement that about one and half month prior to the incident while her daughter was going to dispensary to take medicine for her son, aged about nine and a half months, she had met her on the way and she complained to her that her mother-in-law, her husband and husband's brother used to harass her and threaten her not to meet her parents neither her parents should come to meet her and if they had come, they would be killed and they used to taunt her for bringing less dowry. She alleged a second chance meeting about 4-5 days before the incident and repeated the same complaint having been made by her daughter. The brother of the deceased in his statement has stated that his sister had met him only once after marriage i.e. on the day of Raksha Bandhan and on that day, her husband had come and quarreled with him and taken her back without tying Rakhi. Her in-laws did not allow her to make a phone call and were not allowing her to come to their house. It was only after two and a half

year that news was received that his sister used to be under pressure and was being harassed. The statement of father shows that he had gone to her daughter's house on one occasion before Raksha Bandhan with 20 kg of 'Jalebi' and on another occasion at the time of some "Jagaran" with 'Mathees' but mother-in-law of the deceased threw away these things and shown dissatisfaction. Her daughter was not allowed to make a telephone call nor allowed to meet them. No message was received to him from his daughter. All these three witnesses despite saying that the deceased was neither talking to them nor meeting them made allegation of dowry demand by the in-laws, without disclosing the source as to who told them about the dowry demand by the in-laws. The chance meeting as described by the mother of the deceased seems to have been introduced, because these chance meeting have been shown just before the death. It is a fact that houses of parents of the girl and in-laws were not at far off places. While parents were living at F-662, Mangol Puri, Delhi, the in-laws were living at E-594, Mangol Puri, Delhi. Thus, the two families were living at two adjoining blocks of Mangol Puri. It is submitted by counsel for the applicant that the marriage between the husband and the wife was a love marriage and parents of the girl were not happy with the marriage and that was the reason that the girl was not being allowed by the parents themselves to meet them.

3. The learned counsel for the State has submitted that there was no evidence to show that it was love marriage. It was an arranged marriage as per the statement of the father of the deceased at the time of marriage also dowry requests were given.

4. The parents of the deceased were living in the adjoining block. Even if their daughter was not being allowed to meet them or telephone them, they could easily have gone to the house of the deceased any number of times and had there been incidents of cruelty or complaints of dowry demand, they would have made a complaint or lodged the report. It is also undisputed that the deceased was having a child of around nine month's age. It is not even stated that at the time of birth of the child, the parents of the girl visited her or called her to their home or there was any mis-treatment at the time of birth of the child before that. I, therefore, consider that the allegations made by the parents of the girl against in-laws regarding the harassment due to dowry etc. as learnt from the deceased on these two alleged chance meeting cannot be believed on face value, unless they are tested during the evidence and I consider it is a fit case for grant of anticipatory bail to the applicant who is *jeth* of the deceased and bail to other applicant, who is mother-in-law of the deceased.

5. The applications are allowed. It is directed that in case the applicant Rajesh is arrested, he be released on executing personal bond of Rs.25,000/- with one surety of like amount to the satisfaction of SHO/Arresting Officer concerned. The applicant Lajjawati, who is in judicial custody be released by trial Court on her executing personal bond of Rs.25,000/- with one surety of the like amount.

**November 11, 2010**  
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**SHIV NARAYAN DHINGRA, J.**