

Savita Kumari vs State Nct Of Delhi on 3 November, 2020

Author: Manoj Kumar Ohri

Bench: Manoj Kumar Ohri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2784/2020 & CRL. M.A. 13056/2020

SAVITA KUMARI Petitioner
Through: Mr. Salman Khurshid, Sr. Advocate
with Mr. Kamran Malik, Mr. Arpit
Shukla and Mr. Syed Shakeel Husain,
Advocates.

Versus
STATE NCT OF DELHI Respondent
Through: Ms. Radhika Kolluru, APP for State
with SI Sanjeet, P.S. Mandawli.

AND

BAIL APPLN. 2785/2020 & CRL. M.A. 13058/2020

DAL SINGARO DEVI & ANR. Petitioners
Through: Mr. Salman Khurshid, Sr. Advocate
with Mr. Kamran Malik, Mr. Arpit
Shukla and Mr. Syed Shakeel Husain,
Advocates.

Versus
STATE OF NCT OF DELHI Respondent
Through: Ms. Radhika Kolluru, APP for State
with SI Sanjeet, P.S. Mandawli.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% 03.11.2020

1. The above-noted bail applications have been filed under Section 438 Cr.P.C. on behalf of the petitioners seeking anticipatory bail in FIR No. BAIL APPLN. NOS. 2784-85/2020 1 of 4 263/2020 registered under Sections 304B/498A IPC at P.S. Mandawli Fazal Pur.

2. Mr. Salman Khurshid, learned Senior Counsel for the petitioners submits that the present petitioners are the sister-in-law and the parents-in-law of the deceased. He submits that while the

sister-in-law of the deceased got married in the year 2006 and since then, has been living at her matrimonial home in Patna, the parents of the husband of the deceased are aged about 72 and 75 years and are also residents of Patna. He further submits that after her marriage in the year 2016, the deceased was living along with her husband in her matrimonial home at Delhi. The husband of the deceased is already in judicial custody.

3. Learned Senior Counsel has referred to the statement of Suraj, brother of the deceased, on the basis of which the present FIR came to be registered. It is submitted that as per the said statement, the deceased got married on 22.04.2016 and everything went well for about one year. It is submitted that the brother of the deceased has made general allegations of dowry demand against the present petitioners. The other allegations levelled are of making excess food and denial of use of western toilet. It is further stated that so far as the allegations of retaining of jewellery of the deceased are concerned, the same are levelled for the period after February, 2020 and that too only against the husband.

4. It is lastly submitted that in pursuance to the previous order, the petitioners have already joined the investigation.

5. Ms. Radhika Kolluru, learned APP for the State, on the other hand, has vehemently opposed the bail applications. She has referred to the Status Report and the statements of the parents as well as the brother and sister-in-

BAIL APPLN. NOS. 2784-85/2020 2 of 4 law of the deceased to contend that all of them made demand of dowry including a bike. It is further submitted that in his statement, the father of the deceased has alleged that during the month of February, 2020, the present petitioners asked for the jewellery of the deceased and kept the same with themselves. On 15.06.2020, the father of the deceased received a call from the deceased in which she had informed about the demand of motorcycle made by her husband and his family members. Learned APP further submitted that the statement of the mother and other relatives of the deceased also support the allegations made by the father.

4. In rebuttal, learned Senior Counsel for the petitioners submits that the statements made by the family of the deceased were made after more than one month of the registration of the FIR and are verbatim where material improvements have been made as compared to the initial statement of Suraj, the brother of the deceased.

5. The present FIR came to be registered on the statement of Suraj, the brother of the deceased who was living in Gurugram. In his statement, although allegations of demand are levelled against the present petitioners but no specific details have been mentioned. The specific allegations of demand of dowry, torture and harassment are levelled against the husband of the deceased. While the initial statement of Suraj, the brother of the deceased was recorded on 18.06.2020, the statements of other relatives came to be recorded on 11.07.2020 and 02.08.2020. So far as the parents of the husband of the deceased are concerned, they are aged about 72 and 75 years and are residents of Patna and it has not been mentioned either in his first statement or in the subsequent statements that the

parents of the husband of the deceased ever visited the deceased at her matrimonial home in Delhi. So BAIL APPLN. NOS. 2784-85/2020 3 of 4 far as the sister of the husband of the deceased is concerned, she is married and living in Patna since the year 2006.

6. In view of the above, it is directed that in the event of arrest, the petitioners be released on anticipatory bail, subject to their furnishing a personal bond in the sum of Rs.25,000/- each with one surety each in the like amount to the satisfaction of the concerned Arresting Officer/ Investigating Officer/SHO of the concerned police station and subject to further following conditions :-

- i) The petitioners shall not directly or indirectly get in touch with the complainant or any of the prosecution witnesses or tamper with the evidence;
- ii) The petitioners shall appear before the Trial Court as and when the charge sheet is filed;
- iii) The petitioners shall join and cooperate in the investigation as and when required.

7. The bail applications are disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

8. Nothing stated hereinabove shall be considered as an expression on the merits of the case and the observations are prima facie only, made for the purpose of disposal of the present bail applications.

MANOJ KUMAR OHRI, J

NOVEMBER 03, 2020
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