

# Manju Sharma vs The State on 4 December, 2023

**Author: Jyoti Singh**

**Bench: Jyoti Singh**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ BAIL APPLN. 851/2023

MANJU SHARMA

Through: Mr. Satya Prakash Y  
Yadav, Mr. Tabrez Ahmad, Mr.  
Mr. Rahul Kumar Saxena, Advo

THE STATE

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+ BAIL APPLN. 1452/2023

JAGESH SHARMA

Through: Mr. Satya Prakash Y  
Yadav, Mr. Tabrez Ahmad, Mr.  
Mr. Rahul Kumar Saxena, Advo

THE STATE

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

% 04.12.2023

1. BAIL APPLN. 851/2023 has been filed by Manju Sharma w/o late Sh. Surender Sharma, mother-in-law of the deceased under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 0188/2022 registered under This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 09/12/2023 at 21:00:03 Sections 498A/304B/34 IPC at PS: Jait Pur, Delhi. BAIL APPLN. 1452/2023 has been filed by Jagesh Sharma s/o late Sh. Surender Sharma the husband of the deceased for grant of regular bail in the same FIR.

2. Present FIR was registered on 21.03.2022 on the complaint of Sh. Kishor Sharma, father of the deceased, against the Petitioners and other family members alleging that Petitioners and other members of the family demanded dowry from his deceased daughter and due to the harassment meted out to her, she committed suicide on 25.02.2022. In brief, allegations in the FIR are that deceased got married to Jagesh Sharma on 05.02.2018, son of the Manju Sharma and two children were born out of the wedlock. Jagesh used to beat and demand money from the deceased and few days before her death, he had demanded a sum of Rs.1,00,000/-. Additionally, his mother namely, Manju Sharma and brothers Rajesh and Keshav also harassed and abused the deceased for dowry.

3. Status report has been filed on behalf of the State and the case of the prosecution is that on 25.02.2022, a PCR call was received regarding hanging of a lady and on reaching the spot it was found that the body of the deceased was hanging with a chunni. The deceased was taken to AIIMS hospital where she was declared brought dead and body was preserved in the mortuary. After conducting the post-mortem, body was handed over to the family members. Upon investigation, it was found that death of the deceased was within 07 years of marriage and therefore, SDM was called to record the statement of the family members of the deceased. During investigation, father of the deceased made a statement that his daughter was harassed for dowry by her in-laws. Viscera of the deceased was sent for expert opinion at FSL, Rohini and the result is awaited. Charge sheet has been filed against This is a digitally signed order.

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4. Counsel for the Petitioners contends that the allegations in the FIR are false, as the deceased was never harassed and no dowry was ever demanded and Petitioners have been falsely implicated. Deceased was suffering from a Cerebellar Tuberculoma, which is a rare form of Tuberculosis and affects the nervous system and this had led to her remaining under depression most of the times. Deceased was very attached and close to her sister, who also died by suicide and this had also impacted the mental health condition of the deceased and very often she would complain of hallucinations after wearing the clothes of her sister. Charge sheet has been filed against Jagesh Sharma and supplementary charge sheet has also been filed against Manju Sharma and therefore, there is no need of custodial interrogation or investigation. Petitioners have been on interim bail granted by this Court and had joined and co-operated in investigation whenever they were called prior to the filing of the charge sheets. Petitioners have deep roots in the society and there is no chance of their absconding and/or violating the conditions of the bail that may be imposed by this Court. Reliance is placed on the judgment of this Court in *Susheel Kumar Arya v. State Govt of NCT of Delhi*, 2022 SCC OnLine Del 4565, to urge that object of judicial custody is to secure the appearance of the accused during trial and is neither punitive nor for deprivation of liberty. Applicant cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

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5. Learned APP, on instructions from the Investigating Officer SI Sanjeev, P.S. Jait Pur submits that prior to the filing of the charge sheet, Petitioners had joined and were co-operating in the investigation and their custody is not required for investigation, as the charge sheets stand filed.

6. From the status report, it is clear that charge sheet in case of Jagesh Sharma, the husband of the deceased and charge sheet and supplementary charge sheet in case of Manju Sharma, the mother-in-law have been filed and learned APP states that there is no requirement of custodial investigation. It is stated in the status report that during investigation, the father of the deceased had stated that she was getting treatment for lumps in her brain. Prima facie, this corroborates with the stand taken by the Petitioners that the deceased was having a rare kind of tuberculosis in the brain which was causing depression, which may have aggravated on account of the death of the sister of the deceased, to whom she was very close. The two co-accused have been granted anticipatory bail by this Court and Petitioners have been in incarceration from 08.10.2022 and 29.05.2022 respectively till they were granted interim bail by this Court on 16.03.2023 and 03.05.2023, respectively. The veracity of charges levelled against the Petitioners will be tested at the stage of trial. As held in *Susheel Kumar Arya (supra)*, the object of taking an accused into custody is not punitive or as a punishment and the purpose is to secure the presence at the time of trial by imposing appropriate conditions.

7. In the totality of the facts and circumstances and without expressing any opinion on the merits of the case and considering the fact that trial will take considerable time, it is directed that Petitioners will be released on bail upon furnishing personal bonds in the sum of Rs.50,000/- each with two This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 09/12/2023 at 21:00:04 sureties of the like amount to the satisfaction of the Trial Court and further subject to the following conditions:-

- (a). Petitioners shall not leave Delhi/NCR without permission of the Trial Court;
- (b). They shall surrender their passports, if any, before the Trial Court at the time of furnishing bail bonds/surety bonds;
- (c). They shall appear before the Trial Court as and when the matter is taken up for hearing;
- (d). They shall not contact the family members of the deceased in any manner whatsoever;

(e). They shall provide their mobile numbers to the Investigating Officer of the case and shall keep them in working condition at all times and shall not change the mobile numbers without prior intimation to the Investigating Officer;

(f). They shall not change their residence without prior intimation to the concerned IO and the Trial Court; and

(g). They shall not directly/indirectly make any inducement/ threat or promise to any person/witness associated with the present case or tamper with evidence.

8. It is made clear that observations made herein are only for the purpose of considering the present bail applications. It is also made clear that in the event of violation/non-compliance of any condition of grant of bail, the State will be at liberty to file an appropriate application for modification/vacation of the order.

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9. Copy of this order be sent to Jail Superintendent concerned and Trial Court for information and necessary compliance.

10. Bail Applications are disposed of.

JYOTI SINGH, J DECEMBER 04, 2023/kks/shivam This is a digitally signed order.

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