

IN THE HIGH COURT OF DELHI AT NEW DELHI

15.07.2005

**Present: Mr.Davinder Kumar for the petitioner.
Mr.M.N.Dudeja for the State.**

Bail Application No.1353/2005

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1.Petitioner, husband of Asha, is an accused in FIR No.171/05 under Section 498A/307/34 IPC. He is in judicial custody since 8.5.2005. Learned counsel for the petitioner presses for bail stating that Asha consumed some poisonous substance a

nd it was the petitioner who took Asha to M.B.Hospital, Poothkalan, Delhi and Asha was discharged at the said hospital on the same date after some treatment. Counsel states that this shows that condition of Asha was not serious. Counsel further

states that the possibility of Asha consuming something out of haste or in a state of depression cannot be ruled out.

2.FIR has been registered pursuant to a statement of Asha in which she has alleged dowry harassment at the hands of her husband. It is to be noted that father-in-law and mother-in-law as also the other members of in-laws family are residi

ng in the same house, but Asha has not implicated any other family member except hger 'Nandoi'. In her statement, Asha has categorically stated that the petitioner under threat of shooting her forced her to eat some tablets. She refused.

At that stage, her 'Nandoi' joined and her husband forcibly administered some tablets to her and her 'Nandoi' gave a glass of water to her husband and her husband forced water into her gullet.

3. Record of M.B. Hospital, Poothkhurd, Delhi shows that Asha was taken at her mother on her own responsibility to Maharaja Uggersain Hospital. Record does not show that Asha was discharged by M.B.Hospital, Poothkhurd, Delhi.

4. Counsel for the State submits that people are generally unhappy with the Government hospitals and probably for this reason, mother of Asha took her to a private hospital.

5. In any case, contention of the petitioner that Asha was discharged on the same day from M.B.Hospital is contrary to the medical records.

6.I have perused the FIR. Asha has only implicated her husband as the person demanding dowry. On the particular incident she has also named her Nandoi. Her statement appears to be truthful as she has not implicated any other family member of h

er in-laws, a general trend noticed by this Court in most complaints by the aggrieved wives.

7.Considering the statement of Asha, the manner in which the offence is stated to have been committed, the pious relationship which the petitioner expected is to have with his wife, breach of trust and safety which the wife could see in her husband's

house, at this stage, I am not inclined to admit the petitioner to bail. Dismissed.

July 15, 2005 PRADEEP NANDRAJOG, J.

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