

**IN THE HIGH COURT OF DELHI AT NEW DELHI****05.05.2005**

**Present: Mr Bahar Barqi for the Petitioner.  
Mr M.N. Dudeja for the State.**

**BAIL APPLN 296/2005****FIR No.108/2000****U/s 498A/304B IPC and 3,4,6 of Dowry Prohibition Act.****P.S. Seelampur.**

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The learned counsel for the petitioner submits that there are five accused in respect of this FIR. The present petitioners are the mother-in-law and father-in-law of the deceased. The other co-accused are the husband and two brothers-in-law of the deceased.

The learned counsel for the petitioner further submits that the other three co-accused have been released on bail by the learned Additional Sessions Judge by an order dated 5th of March, 2005. He drew my attention to the said order, a certified copy of which is placed before me. The order indicates that in the statement of the complainant, Mangu (father of the deceased) and his wife Munni Devi (mother of the deceased) recorded before the concerned SDM on 30.10.1995, i.e. the next day after the death of the deceased, there is no allegation of dowry demand or harassment or maltreatment against any of the accused.

After considering this aspect of the matter, despite there being a complaint now that there was continuous dowry harassment at the hand of the accused, the learned Additional Sessions Judge directed the release of the three co-accused on bail. The learned counsel for the petitioner further submits that it is also not determined as yet as to whether the death of the deceased was an unnatural one. He submits that till such a determination is made, in any event, it would not be proper to deny the petitioners the facility of pre-arrest bail.

The learned counsel for the State opposed the grant of bail submitting that the report as to whether the death of the deceased was a natural one or an unnatural one is yet to be received and till such time the petitioners ought not to be released on bail.

He further submits that subsequently, the complainant has stated that there was harassment at the hands of the accused persons. However, looking to the totality of the circumstances and the fact that the co-accused have already been granted bail, I do not see any reason as to why the present petitioners, being the mother-in-law and father-in-law of the deceased, ought to be now denied the facility of pre-arrest bail to be arrested and then to be released on regular bail on the ground of parity.

Accordingly, the petitioners are directed to be released on bail, in the event of their arrest, on furnishing personal bonds in the sum of Rs 10,000/- each with one surety each of the like amount to the satisfaction of the arresting officer.

The application stands disposed of.

Dasti.

**BADAR DURREZ AHMED  
(JUDGE)**

May 05, 2005

J