

IN THE HIGH COURT OF DELHI AT NEW DELHI

07.07.2005

Present:Mr.Mohit Mathur for applicant.

Mr.M.N.Dudeja for State.

Bail Application 1760/2005

Manju was married to the son of the applicant on 15.2.2004 She died an un-natural death on 8.5.2005. Cause of death as recorded in the post mortem report is death due to electrocution.

FIR under Section 498A/304A/304B/34 IPC was registered on 9.5.2005 on the basis of a complaint lodged by Rajbir Singh father of Manju.

In the complaint, Rajbir Singh stated that after 3-4 months of marriage, his daughter was harassed and physically beaten. He stated that his son in law use to harass his daughter and would demand money. His wife use to secretly given money to his daugh

ter without his knowledge. He further stated that his son in law had demanded Rs.1.5 lacs from him. In the complaint he further stated that his daughter's father in law and brother in law use to trouble his daughter.

There are no allegations in the FIR against the petitioner save and except towards the end of complaint, Rajbir Singh has stated that he feared that his daughter has been killed by her husband, brother in law, father in law and mother in law.

Learned counsel for the applicant submits that from the post mortem it is revealed that apart from burn injuries due to electrocution, lacerated wound on the forehead and abraded bruises being 3 in number stand recorded. All injuries are anti mortem in

nature. Counsel further points out that the post mortem report does not rule out homicide.

Shri Mohit Mathur learned counsel for the applicant states that the deceased was electrocuted on the first floor terrace and fell after she was electrocuted and this explains the injuries, other than the ones due to electrocution. Counsel relies upon (2

003) 8 Supreme Court Cases 80 Hira Lal and Ors. Vs. State (Govt. of NCT), Delhi to urge that the essence of an offence under Section 304B was the proximity between the cruelty or harassment with the death. Counsel urges that the FIR is generic and there i

no mention to any act of the applicant, much less proximate to the date of the unfortunate incident.

FIR does not list any specific dowry harassment act of the applicant who is the mother in law. I have seen the record of investigation. On 9.5.2005 statements of mother and few relatives of the deceased were recorded. Thrust of the complaint in the st

atements is against the husband of the deceased. Additionally, without specifying with material particulars, general allegations have been made against the applicant as well.

Nothing has been brought out to show proximity vis-a-vis the applicant pertaining to harassment/dowry demand and the unfortunate demise.

Applicant is not a criminal, in that, she does not have a history of criminal activity. Applicant has her roots in society. There is no apprehension of her absconding. Witnesses of the prosecution would be the relations of the deceased and it is diffi

cult to fathom applicant influencing them if released on bail.

Application is allowed. Applicant is admitted to bail on her furnishing a personal bond in the sum of Rs.15,000/- with two sureties in the like amount to the satisfaction of the trial court in FIR No. 132/2005 P.S. Kanjhawla.

Dasti.

July 07, 2005 PRADEEP NANDRAJOG, J.