

Manish Kumar Sharma vs.state

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Court : Delhi

Decided On : Jan-23-2019

Appellant : Manish Kumar Sharma

Respondent : State

Judgement :

\$~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.
2769/2018 Judgment delivered on:

23. 01.2019 MANISH KUMAR SHARMA STATE versus

... Petitioner

..... Respondent Mr. Kumar Vikram, Advocate. Advocates who appeared in this case: For the

... Petitioner

: For the Respondent: CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA Ms. Kusum Dhalla, APP for the State. SI Brahmprakash, PS Ranhola. JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.129/2018 under Sections 498A/304B/34 IPC, Police Station Ranhola.

2. FIR was registered on the complaint of the father of the deceased. It is alleged that at the time of the marriage the complainant had given all the necessary household dowry articles as per his status. FIR contends that approximately for a period of 1 year after the marriage everything was alright. Thereafter a girl child was born. It is alleged that after the birth of the girl child harassment of his daughter started. The allegation is that the daughter used to be sent BAIL APPLN. 2769/2018 Page 1 of 3 back home several times and she used to complain of harassment. FIR further alleges that the complainant was informed by his daughter that the petitioner along with other family members were demanding Rs.10 lakhs. Thereafter, after some time, he received information that his daughter had expired. Similar statements were given by the mother and the brother of the deceased.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is no independent witness produced by the prosecution to establish that there was ever any demand for dowry or harassment of the deceased on account of dowry. He further submits that apart from the bald and vague allegations, there is no incident or specific given by the complainant or the other witnesses. Learned counsel for the petitioner further submits that the statements given by the complainant, the mother and the brother of the deceased are identical in nature, which shows that they are not independent statements.

4. Learned counsel for the petitioner further submits that the petitioner has been in custody since 15.02.2018. He submits that the trial is still at a very nascent stage and is being delayed and even the family members of the deceased have not yet been examined and substantial time is likely to be taken in conclusion of the trial.

5. Without commenting on the merit of the case and keeping in view the fact that the petitioner has been in custody since 15.02.2018 BAIL APPLN. 2769/2018 Page 2 of 3 and the trial is likely to take some time, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount

to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner

shall not do anything which may prejudice either the trial or the prosecution witnesses.

... Petitioner

shall not leave the country without permission of the Trial Court. The petition is allowed in the above terms. Order Dasti under signatures of the Court Master.

6. 7. SANJEEV SACHDEVA, J JANUARY23 2019 st BAIL APPLN. 2769/2018
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