

Kapil vs.state

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Court : Delhi

Decided On : Mar-13-2019

Appellant : Kapil

Respondent : State

Judgement :

\$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

13. 03.2019 BAIL APPLN. 269/2019 KAPIL STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. K. Singhal with Mr. Nishant Bhardwaj, Advocates. For the Respondent: Ms. Meenakshi Dahiya, APP for the State. Inspector Madhav Krishna, PS Nangloi.
CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.441/2016 under Sections 498/304B IPC, Police Station Nangloi.

2.

... Petitioner

is the husband of the deceased. The deceased expired after 1 year 4 months of the marriage. The FIR is registered on the complaint of the father of the deceased.

3. It is alleged in the FIR that after 6 months of the marriage, petitioner used to harass the deceased and used to demand money from her. It is further alleged that the deceased had informed her BAIL APPLN.269/2019 Page 1 of 3 parents that the petitioner used to talk to some girl over the phone. When they complained to his father, they were assured that he would mend his ways, however, he did not. It is alleged that the petitioner was also pressurizing the deceased to give him the entire compensation that she had received on account of demise of her first husband. It is alleged that he had taken the entire money from her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the complainant has already testified before the Trial Court and in his testimony before the Trial Court there is no allegation that the petitioner had ever demanded money for dowry from the deceased or her family. It is submitted that the only allegation is that he had taken the entire money which was received by the deceased as compensation for the death of her first husband and the other allegation is that he used to talk to some girl over phone.

5. He submits that the statement of the brother of the previous husband of the deceased has also been recorded before the Trial Court and he has deposed that the deceased had only received a sum of Rs.2.60 lakhs and half of the compensation amount had been received by the mother of her deceased husband.

6. Learned counsel for the petitioner submits that status report clearly indicates that a fixed deposit in the sum of Rs.2,50,000/- is still lying in the name of the deceased and is with the prosecution. BAIL APPLN.269/2019 Page 2 of 3 He further submits that since there is no allegation that the deceased was subjected

to cruelty for demand for dowry soon before her death, the basic ingredients of Sections 498A/304B are not made out.

7. Learned counsel for the petitioner further submits that the petitioner has been in custody since 13.10.2016.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances and also the fact that the trial is likely to take some more time, I am satisfied that the petitioner has made out a case for grant of regular bail.

9. 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.

10. Petition is allowed in the above terms.

11. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J
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