

**Vipul Kumar Jain Vs. State**

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**Court :** Delhi

**Decided On :** Nov-11-1992

**Reported in :** 48(1992)DLT695; I(1993)DMC31

**Judge :** Mohd. Sharnim, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

**Appeal No. :** Criminal Miscellaneous Appeal Nos. 1374 and 2151 of 1992

**Appellant :** Vipul Kumar Jain

**Respondent :** State

**Advocate for Pet/Ap. :** D.C. Mathur,; K.B. Andley and; P.K. Bahri, Advs

**Judgement :**

**Mohd. Sharnim, J.**

(1) These are two applications by Smt. Som Prabha Jain and Vipul Kumar Jain for release on bail.

(2) Learned Counsel for the petitioners i.e. Mr. D.C. Mathur and Mr. K.B. Andley have contended that the petitioners are innocent. They have been falsely implicated in the present case. The deceased Smt. Anita was living a happy, peaceful married life as is manifest from the photographs placed on the record.

There is a delay of four days in the lodging of the Fir inasmuch as the occurrence took place at 7.30 p.m. on 4.1.1992. Fir was registered on 8.1.1992. The deceased was a nominee in the Life Insurance Policy which the petitioner Vipul Kumar Jain took on 28.3.1991. The deceased was made a partner in a partnership deed dated 12.6.90 with Mr. R.K.Jain and others. 100 Units were also purchased by the petitioner Vipul Kumar Jain in the name of the deceased Smt. Anita. In view of the above, it has been urged that the above conduct is not that of the persons who would maltreat or ill-treat the deceased.

(3) The learned Pp, on the other hand, have led me through the statement of Sharad Jain, a neighbour who is living in the same house where the occurrence took place. According to him, on hearing the shrieks of the deceased he rushed to the spot and found the deceased aflame. According to him, petitioner Vipul Kumar Jain was there. He tried to extinguish the fire by throwing water on the person of the deceased. Then, there is the statement of Anil Kumar Jain. He went to the house of the deceased to deliver an invitation card on the date of occurrence. The deceased on the said date informed him that she was being beaten and ill-treated for bringing insufficient dowry. Then there is the statement of Nirmal Prasad Jain, father of the deceased, and Smt. Sudha Jain, mother of the deceased. Both of them have reiterated that whenever the deceased got pregnant she was dropped at their house for the purpose of delivery. On each delivery there was a demand of Rs.10,000.00. Then, to the same effect are the statements of Suresh Chand Jain and Usha Jain. Then, the learned Pp have led me through the statement of Shri Sardar Singh, Additional SHO. P.S. Jama Masjid. He averred that when he reached the spot he found the deceased on the ground floor, wrapped with a white sheet of cloth. On going upstairs at the place of occurrence he found that the spot had been cleaned with water and even the kerosene tin container had been removed. The police was informed at 9.15 p.m. i.e. two hours after the occurrence.

(4) In the circumstances stated above, I do not see any force in the present applications. The applications are hereby dismissed. Let a copy of this order be placed on each of the two files.

(5) The file of the trial Court be sent back. Applications dismissed.

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