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Raman Mahajan Vs. the State

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Court : Delhi

Decided On : Feb-24-1994

Reported in : 1994IAD(Delhi)838; 54(1994)DLT50; 1994(28)DRJ636

Judge : V.B. Bansal, J.

Acts : Code of Criminal Procedure (CrPC) , 1973 - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 2499 of 1993

Appellant : Raman Mahajan

Respondent : The State

Advocate for Pet/Ap. : R.K. Bahri,; R.L. Kohli and; Mukta Gupta, Advs

Judgement :

V.B. Bansal, J.

(1) Raman Mahajan has moved this application for bail for the offences punishable under Section 498-A and 304-B Indian Penal Code in case F.LR. No. 221 of 1993, P.S.Anand Vihar. Delhi. Challan against the petitioner and his mother Smt.Mohini Mahajan has already been Filed in the Court of the Ilaqa Metropolitan Magistrate.

(2) Briefly stated the case of the prosecution has been that on 17.8.1993 at 11.50 a.m., Dd No. 6A was recorded at P.S. Anand Vihar, on the basis of an information

given on telephone by some unknown person about one lady having committed suicide at House No. 32, Ram Vihar. A copy of this D.D. entry was given to Asi Surinder Pal, who along with Const. Subhash Chand, went to the spot. Information was also conveyed to the S.D.M. as also the S.H.O.

(3) Accordingly, the S.H.O.and S I.Vijay Pal Singh besides other officials reached the spot and found the dead body of Vandana. The spot was inspected by the Crime team and statement of Smt.Prem Lata wife of Shri Mangat Ram Anand,mother of the deceased I was recorded by S.D.M. It was inter-alia stated by her that her daughter Vandana was married to Raman Mahajan on 18.11.1991 and that she was not happy ever since her marriage. She went on to state that Vandana was not permitted by her husband to visit her parents and that she came to the house of her parents on two occasions for staying and - every time, Raman Mahajan accompanied her. She went on to state that they were unable to have a talk with Vandana and that Raman Mahajan used to take liquor while staying at their house. It was also claimed that Vandana was asked to bring something from her parents and that after staying with them for a week, Vandana went back to her in-laws' house on 16.8.1993 and they received information on 17.8.1993 about the death of Vandana and that on reaching the house of Raman Mahajan, she was not permitted to go inside and her son-in-law had inflicted leg blow to her. She had apprehension that her daughter has been killed by her son-in-law and his mother.

(4) S.I.VIJAY Pal Singh made endorsement on this statement and rukka was sent to the police station AnandVihar, on the basis of which,F.T.R. No. 221 was recorded.

(5) Statements of witnesses were recorded and a post-mortem examination was conducted on the body of Vandana on 18.8.1993 when doctor opined that ligature mark is ante mortem caused by some soft material. Death is due to asphyxia resulting from hanging. Raman Mahajan and his mother were arrested and have been challaned.

(6) I have beared Shri R.K. Bahn, learned counsel for the petitioner and Ms. Mukta Gupta, learned counsel for the State and have also gone through the record.

(7) Learned counsel for the petitioner has submitted that Mohini Mahajan has already been released on bail and that it was a love marriage between the petitioner and Smt.Vandana. He has further submitted that there has been no demand of dowry nor was there any harassment caused to the deceased by the petitioner and that merely because Vandana has died. he has falsely been implicated. He has further submitted that Sdm had taken into possession the letters from spot, which were handed over to the police and that a perusal of the letters would indicate that these were addressed to Vandana and the petitioner by Payal, sister of Vandana and there has not been any mention with regard to the demand of dowry or causing harassment or giving of beatings to the deceased by the petitioner. It has also been submitted that challan has already been filed and so a prayer has been made for release of the petitioner on bail.

(8) Application has been opposed by the learned counsel for the State, who has submitted that the deceased had been writing adiary, which was seized. It has also been submitted that there are clear statements of the parents and sister of the deceased to indicate that the deceased was harassed by the petitioner on the demand of dowry and that the death having taken place in less than two years, it is not a case for bail.

(9) I have gone through the statements of witnesses as also the diary, written by the deceased and the letters written by Payal. sister of the deceased. There does not appears to be any indication with regard to the demand of dowry from these letters. It is not the stage for me to give any finding on merits. However, considering the totality of the circumsantces,I am clearly of the view that it is a fit case for the release of the petitioner.

(10) As a result, I order for the release of the petitioner subject to his furnishing personal bond forRs.20,000.00 with two sureties of the like amount, to the satisfaction of the concerned court.

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