

Deepak Vs. the State (Nct of Delhi)

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SooperKanoon Citation : sooperkanoon.com/697520

Court : Delhi

Decided On : May-10-2005

Reported in : 120(2005)DLT146; II(2005)DMC35

Judge : Badar Durrez Ahmed, J.

Acts : Indian Penal Code (IPC) - Sections 304B

Appeal No. : Bail Application 2279/2004

Appellant : Deepak

Respondent : The State (Nct of Delhi)

Advocate for Def. : M.N. Dudeja, Adv.

Advocate for Pet/Ap. : V.K. Gupta and; Anil Juneja, Advs

Judgement :

Badar Durrez Ahmed, J.

1. The learned counsel for the petitioner submits that the ingredients of Section 304B of the Indian Penal Code have not made out in the case of the petitioner. In respect of an offence under Section 304B IPC, there must be unnatural death within seven years of the marriage and it must be shown that soon before her death she was subject to cruelty or harassment by her husband or any relatives of

her husband for, or in connection with any demand for dowry. In this context, he submits that the allegations, in so far as the present petitioner is concerned, for demand of dowry stop at the point where the petitioner is said to have demanded a Maruti car in place of a motorcycle some time in June 2000. The death of the petitioner occurred on 04.04.2004. The demand made by the petitioner, therefore, in respect of the Maruti car was not soon before her death. The learned counsel for the State, however, submitted that the death of the deceased occurred due to the demand for dowry made on 28.03.2004 for a sum of Rs 1.00 lakh. But, this demand was made by the father-in-law and not by the husband. Throughout, upon reading of the FIR as well as the statements made by PWs 4 and 5, it appears that after June 2000 no demand for dowry has been ascribed to the present petitioner. Whatever demand was made, was made by the father-in-law and the demands for the sum of Rs. 1.00 lakh were right up to 28.03.2000 which is just prior to the death of the deceased. The father-in-law of the deceased is in judicial custody. No application for bail in respect of him has been moved. The learned counsel for the petitioner submits that this application is moved on behalf of the husband of the deceased only in view of the fact that there was no demand for dowry made by the present petitioner soon before the death of the deceased.

2. In this view of the matter and considering the fact that the petitioner had already been in custody since 08.04.2004, I direct that the petitioner be released on bail on furnishing a personal bond in the sum of Rs 20,000/- with one surety of the like amount to the satisfaction of the concerned court.

3. Any observations made in this order are only prima facie and only for the purposes of grant of bail and shall not be taken into consideration at the time of trial of the case.

This application stands disposed of.

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