

**Vijay Kumar Batra Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/700986](http://sooperkanoon.com/700986)

**Court :** Delhi

**Decided On :** Oct-23-1991

**Reported in :** 46(1992)DLT521

**Judge :** R.L. Gupta, J.

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

**Appeal No. :** Civil Miscellaneous (Main) Appeal No. 1981 of 1991

**Appellant :** Vijay Kumar Batra

**Respondent :** State

**Advocate for Pet/Ap. :** S.P. Ahluwalia and; S.K. Agarwal, Advs

**Judgement :**

**R.L. Gupta, J.**

(1) Petitioner who is elder brother of the husband of the deceased Poonam has applied for grant of bail. He is being prosecuted under Sections 306/304B/498A IPC read with Section 4 of the Dowry Prohibition Act in Fir No. 259/91 registered in Ps Hajrat Nijamuddin, New Delhi.

(2) I have heard arguments advanced by learned Counsel for the parties. The case of the prosecution is based on the statement of Shri Om Prakash, father of

the deceased Poonam. He stated that he had married Poonam to Sunil about two and a half years back. The petitioner is married to his elder daughter Santosh Kumari. At the time of marriage of Poonam, her mother-in-law Kaushalya had proclaimed that they will never see the face of Poonam thereafter. He could not give much dowry in her marriage because her financial condition was not good at that time. Poonam was being continuously taunted for in-sufficiency of dowry by the petitioner and the husband Sunil. The police also recorded the statement of Santosh Kumari wife of the petitioner during investigation. She has also confirmed that the petitioner who is her husband also used to taunt Poonam and harass her. Even on the date of occurrence she was asked by the petitioner to go out and she had hardly gone to some distance when she heard AAGALGGAI. It was mid-night. She then discovered that Poonam had burnt herself.

(3) From the statement recorded by the prosecution during investigation, it is prima facie clear that Poonam died because of the harassment and taunts given to her by the petitioner and others within seven years of her marriage. I am of the view that it will not be expedient to grant bail to the petitioner at this stage because he will definitely harass his own wife and make her resile from her statement recorded by the police. If at this stage the prosecution case and the statements recorded during investigation are believed, it goes without saying that the allegations against the petitioner are very serious and the fatal step taken by the deceased can also be attributed to the taunts buried by the petitioner. The petition has no merit and the same is hereby dismissed.

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