

(2025) 04 DEL CK 1089

In the Delhi High Court

Case No : Bail Application NO. 1932 Of 2024 & Criminal Miscellaneous
Application No. 17097 Of 2024

Ansh Jindal

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 29-04-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code , 1860 — Section 34, 306, 323, 377, 506

Citation : (2025) 04 DEL CK 1089

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Amit Chadha, Nishant Singh, Sounava Karmakar, Harjas Singh, Jyoti Bajaj, Saarthak Sethi, Aman Usman

Final Decision : Disposed Of

Judgement

Ravinder Dudeja, J

1. By this common order, I propose to decide the two applications under Section 438 Cr.P.C filed on behalf of the petitioners- Ansh Jindal and Navita for grant of anticipatory bail in case FIR No. 431/2024 dated 01.05.2024 under Sections 306/34 IPC registered at P.S. Samaipur Badli.

2. Mr. Amit Chadha, learned senior counsel for the petitioners submits that the deceased had suicidal tendencies and was undergoing psychiatric treatment from various hospitals. He was diagnosed with psychiatric issues i.e depression, hypertension, schizophrenia and OCD and was on psychiatric treatment and medicines since 1998 till his death. The deceased used to force his wife to have unnatural sex with him. He sexually abused her repeatedly and even his sons are witnesses to it. The behaviour of the deceased towards his family was cruel and abusive.

3. On 20.04.2024, the deceased left the house without informing the family and

returned back on 23.04.2024. A missing report/GD entry no. 95A (Annexure A-5) dated 21.04.2024 was filed by the petitioner Navita and her elder son. The deceased later returned back to the house and started abusing his wife.

4. It is argued that even though the deceased was under treatment for his psychiatric condition, his condition was worsening. He was chronic abusive person in nature. He was in regular contact with number of prostitutes and was a habitual drunkard. Petitioners have placed on record the screenshots of phone numbers of prostitutes as also the payments made to them (Annexure A-6).

5. It is further submitted that on 29.04.2024, the deceased had unnatural sex with the petitioner and also physically abused and assaulted the petitioner so much so that she started crying loudly and on hearing the same, both her sons rushed to their parents' room, whereupon the deceased abused and beat up the petitioners in front of his daughter-in-law. He also threatened to implicate them in a false case and also made a PCR call to create false evidence.

6. It is submitted that petitioners mustered the courage and made a PCR call. Petitioner Navita also made a complaint against the deceased. She was taken by the police to BJRM Hospital where her MLC was prepared which shows swelling on the wrist of her right hand and right eye. On the complaint of the wife of the deceased, an FIR No. 428/2024 was registered at P.S. Samaipur Badli under Sections 377/323/506 IPC on 30.04.2024.

7. It is submitted that having got to know about the registration of the FIR against him, the deceased threatened the petitioners to commit suicide and implicate them by writing a suicide note. The said conversation was recorded by the son of the petitioner, copy of transcript of such conversation has been annexed as Annexure A-9.

8. It is submitted that in the night of 30.04.2024, the deceased committed suicide by consuming Celphos tablets and it was the petitioners who took him to the hospital for treatment and in the suicide note circulated by him, through WhatsApp, deceased named the petitioners for being responsible for his death and this was done with a view to falsely implicate the petitioners as a counter-blast to the FIR lodged against him. It is submitted that petitioners are not required for any custodial interrogation.

9. Learned APP has opposed the bail applications submitting that before his death the deceased circulated a WhatsApp message in which he clearly stated that he was tortured and harassed by the petitioners and they gave him poison to consume. He further submitted that the deceased had made a PCR call on 29.04.2024 vide DD No. 95A in which he alleged that he was locked in a room and petitioners were threatening to kill him.

10. It is further submitted that victim was a government employee and was working as a Process Server in District Court. He was not suffering from any serious ailment. If he was not fit, he would not have been able to continue his

job. Learned APP further submitted that postmortem report shows injuries on the person of the deceased which corroborates his version that he was given beatings by the petitioners. It is further submitted that PCR call was made by co-accused Ansh Jindal at 11:43 PM on 30.04.2024 but the patient was brought to the Dr. BSA Hospital at 00:44 PM on 01.05.2024, even though they were having a new car at their home. They took one hour to take him to the hospital which clearly shows that the same was done deliberately.

11. It is submitted that in compliance of the orders of this Court, both petitioners joined the investigation, but did not cooperate in the same as they did not reveal from where the poison was bought. It is submitted that Smt. Aayushi Gupta wife of Sachin Jindal, who is the elder son of the deceased, was working in a medicine factory and Mr. Mayank Gupta (brother-in-law of Sachin) is also running a Chemist Shop. It was found during investigation that Mayank Gupta came at the house of the deceased just before the deceased reaching the home at 10:35 PM on the same day. However, even Mayank Gupta has not cooperated in the investigation. It is stated that Celphos consumed by the deceased is a banned pesticide which is not easily available in the market. The custodial interrogation of the petitioners is therefore required to reveal the details from where they arranged the poison (Celphos) which was forcibly given to the deceased as stated by the deceased in his WhatsApp message.

12. In rebuttal, learned senior counsel for the petitioners submitted that the deceased was first taken to Saroj Hospital but was denied admission, and thereafter, he was taken to Dr. BSA Hospital in the ambulance and that is the reason why it took about one hour in reaching the hospital.

13. Abetment is constituted by instigating a person to commit an offence or engaging in a conspiracy to commit it or intentionally aiding a person to commit it. Mere harassment may not be enough for abetment. There must be active instigation. Mere quarrels or fights in a marriage or family, do not amount to abetment.

14. Petitioners have placed on record plethora of medical records, which shows that deceased was suffering from depression and Obsessive Compulsive Disorder (OCD). He had a clinical history of abnormal behavior. He had suicidal tendency and bipolar disorder. He was undergoing treatment and was taking antidepressants. He was on psychiatric treatment since 1998. The record placed by the petitioners is for the period 1998 till 2020. Status Report of the police is silent about the medical record of the deceased. Thus, medical record is not disputed at this stage. Admittedly, deceased was working as a Process Server in District Courts. Merely because he was continuing with the job, does not mean that he was not having such ailment.

15. Admittedly, on 30.04.2024, petitioner Navita had lodged an FIR No. 428/2024 against the deceased under Sections 377/323/506 IPC in respect of an incident which took place in the night of 29.04.2024 i.e. one day before the date

of occurrence in the present case. The MLC records the narration of incident 29.04.2024, as given by petitioner Navita. As per her, her husband routinely abused, beat and insisted her for unnatural sex and that on 29.04.2024, he beat her and insisted her for oral sex, so much so, he tried to mould her neck and put his private part into her mouth and made discharge. The MLC shows swelling on her right wrist and right eye. Such allegations cannot be disbelieved at this stage.

16. Petitioners have also placed on record the transcripts of the recorded conversations, which, prima facie, show that deceased used highly abusive words against the petitioners. The screen-shots of the mobile phone of the deceased placed on record show that certain payments were made to certain girls, who the petitioners claim to be prostitutes. This has been done to show that deceased was involved in immoral activities with other women. In one of the recorded conversations, deceased threatened to implicate the petitioners by leaving suicide note. Merely because some persons are named in the suicide note, they cannot be presumed to be guilty.

17. A person, who is emotionally or mentally vulnerable due to depression and other psychiatric problems, is a big factor to be considered in a case of abetment of suicide. In such cases, higher proof of instigation is required. Every case of suicide does not amount to abetment and therefore the Court has to see whether the conduct of the accused was such that a normal person, not merely a hyper sensitive one, would have been driven to suicide. The standard is what a reasonable person would do and not someone who is unusually sensitive and unstable.

18. Petitioners have already joined the investigation by the orders of this Court. Having considered the totality of facts and circumstances and in the light of the submissions made, the applications are disposed of with direction that in the event of arrest of the petitioners, they be released on their furnishing personal bonds in the sum of Rs. 30,000/-with one surety of the like amount each to the satisfaction of Arresting Officer/Investigating Officer with the condition that they shall join the investigation as and when directed and shall not come in contact with any of the witnesses of this case and also shall not try to threaten or intimidate them.