
(2012) 12 DEL CK 0292
In the Delhi High Court
Case No : Bail Application 1705 of 2012

Aruna Chadha

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision : 03-12-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 164, 306, 437, 437(1)

Evidence Act, 1872 — Section 113A

Penal Code, 1860 (IPC) — Section 107, 120B, 201, 306, 34

Citation : (2012) 12 DEL CK 0292

Hon'ble Judges : Pratibha Rani, J

Bench : Single Bench

Advocate : U.U. Lalit, instructed by Ms. Meghna Sankhla and Mr. Motilal Kandoi, for the Appellant; Sidharth Luthra, Addl. Solicitor General and Mr. Rajesh Mahajan, A.S.C. for State with Mr. Pramod Kumar Dubey, Yashpreet Singh, Shiv Pandey, Amit Rathore, Rohit Gupta, Advocates, Mr. S. Saravanan, Addl. DCP (North-West)/IO. and Mr. Kunwarjeet Singh, for complainant, for the Respondent

Final Decision : Dismissed

Judgement

Pratibha Rani, J.—This is the second bail application filed by the petitioner Aruna Chadha praying for her release on bail in case FIR No. 178/2012 under Sections 306/ 506/ 201/ 120B/ 466/ 467/ 468/ 469/ 471 read with Section 34 IPC and u/s 66A of I.T. Act, PS Bharat Nagar, Delhi. Notice of the application was given to the State.

2. Reply to the bail application has already been filed by the State. Mr. Sidharth Luthra, learned Addl. Solicitor General submits that the complete call details record could not be annexed with the reply to the bail application and the remaining pages, he is placing on record today with copy to learned counsel for the petitioner.

3. Learned Addl. Solicitor General has submitted that in a recent development, Chanshivroop Singh, who is a co-accused in this case and was released on bail

by the Court, had moved an application u/s 306 CrPC to become Approver to which the investigating agency had given "No Objection". His Statement u/s 164 CrPC was recorded on 07.11.2012 and to remove a technical infirmity in the previous statement, his statement was again recorded on 27.11.2012. The application u/s 306 CrPC was to come up for hearing on 30.11.2012 on which date Chanshivroop Singh was to appear in person in the Court. He did not appear in the Court on 30.11.2012 and when the matter was adjourned for 01.12.2012, his father informed that his son had left for Mumbai on the night of 27.11.2012 and thereafter he had neither contacted nor returned. On inquiry from his Mumbai contacts, it was revealed that he had left for Abu Dhabi on 28.11.2012 by early morning flight. Mr. Sidharth Luthra, learned Addl. Solicitor General has submitted that a person who volunteered to become Approver in this case, has left the country and this shows the amount of influence the accused person can exercise.

4. Today, Mr. U.U. Lalit, learned Senior Counsel for the petitioner has placed on record the photocopy of birth certificate of daughter of the petitioner and also the treatment record of her parents. He has also placed on record the statement of Geetika Sharma made before Emirates Group on 11.08.2010 and the statements u/s 161 CrPC of Dr. Vishakha Munjal and Mr. Batush Pal submitting that statements are part of chargesheet.

5. Arguments on the bail application heard.

6. As per the averments made in the bail application, the first application filed before this Court on 21.09.2012 was dismissed as withdrawn with liberty to file a fresh application before the Trial Court in accordance with law.

7. The petitioner applied for regular bail before learned ASJ I/C, Rohini Courts, Delhi but her prayer for release on bail was declined vide order dated 15.10.2012 observing that though the petitioner is a woman with aged parents and a female child to look after which go in her favour but in the facts and circumstances of the case, likelihood of tampering with the prosecution evidence and also larger social interest viz- a-viz her right to be enlarged on bail.

8. The prayer for bail has been made before this Court on the following grounds:-

(i) The petitioner is a woman and in view of the proviso to Section 437 CrPC, she is entitled to be released on bail in view of the nature of offence for which she has been chargesheeted;

(ii) The petitioner has seven years old daughter and aged parents to look after. Her parents are suffering from various old age related ailments and other diseases requiring presence of the petitioner to take care of them financially and otherwise;

(iii) The petitioner had joined the investigation as and when required and she was arrested unexpectedly on 08.08.2012 when she appeared to join the investigation at 9.00 am in the morning but unexpectedly arrested at 9.30 pm on

that day;

(iv) The allegations against the petitioner in the FIR and the two separate suicide notes impute certain acts done by her within the realms of her job profile;

(v) The allegations against the petitioner even if taken on their face value, do not constitute the basic ingredients of abetment to commit suicide;

(vi) The deceased Geetika Sharma was her senior and she had called the deceased in connection with official work;

(vii) The allegations made in the two suicide notes are not in conformity with the contents of the FIR;

(viii) The incident had taken place at the house of the deceased where she was residing alongwith her family and the petitioner was not even present at the spot so could not have instigated her to commit suicide;

(ix) The two suicide notes written on different dates show suspicious circumstances and even if taken to be dying declaration, do not attract Section 306 IPC or conspiracy for abetment;

(x) The act of suicide by the deceased is of her own volition and her own independent act without there being any abetment or inducement by the petitioner and the suicide notes do not lead to proximity of any act, omission or commission of the petitioner to abet or instigate the deceased to take the extreme step; and

(xi) There is no possibility of the tampering with the evidence by the petitioner.

9. At the outset, Mr. U.U. Lalit, learned Senior counsel for the petitioner has submitted that the petitioner is a woman who has already spent 110 days in custody. She has to take care of her seven years old daughter as single parent as well her ailing parents. Chargesheet has been filed in this case and in view of the proviso to Section 437 CrPC, her prayer for bail may be considered.

10. Learned Senior Counsel for the petitioner has submitted that in the statement made by Geetika Sharma before Emirates Group on 11.08.2010, she has specifically mentioned that Ex-Company Manager helped her in getting the release order for which she apologised. Thus, it was the deceased who owned responsibility for this document and petitioner cannot be blamed for the same.

11. Referring to the statement of Dr. Vishakha Munjal, the Gynaecologist, Mr. U.U. Lalit, learned Senior Counsel has submitted that from her statement recorded by the IO as well as given by her in her own handwriting on her letter head, it can be gathered that she was known to petitioner Aruna Chadha. The role attributed to the petitioner Aruna Chadha by Dr. Vishakha Munjal is limited to the extent that she accompanied the deceased who was unmarried but pregnant. The subsequent visits to the clinic was by the deceased alone and in the given circumstances, at the most the petitioner can be said to have helped

the deceased by taking her to a Gynaecologist known to her and this circumstance in any case does not go against her. Referring to the call details and the statement made by the mother of the deceased at the time of registration of FIR and subsequently u/s 164 CrPC, learned Senior Counsel for the petitioner has submitted that in none of the statement, the role of the petitioner has been specifically defined which could have the effect of instigating and abetting her to commit suicide. Referring to the two suicide notes, one dated 04.05.2012 and another dated 04.08.2012 and co-relating with the statement of the Gynaecologist, it was contended that after writing first note on 04.05.2012, the deceased had visited the Gynaecologist on 14.05.2012 and 19.06.2012 of her own. Referring the call details submitted by the prosecution today, it has been submitted by Mr. U.U. Lalit, learned Senior Counsel for the petitioner that even as per the call details submitted by the prosecution, the last contact between the petitioner and the deceased was on 26.07.2012 whereas suicide was committed on the night intervening 04/05.08.2012. Even as per the statement made by mother of the deceased, at the most it can be said that the petitioner was asking the deceased to come to the office to sign certain documents and then resign, which in no circumstance can be termed as abetment or instigation to commit suicide.

12. Distinguishing the present case from the other cases u/s 306 IPC, where a married woman commits suicide on being subjected to cruelty, on the basis of presumption to be drawn u/s 113A of Evidence Act where the Court may presume having regard to all the circumstances of the case that such suicide has been abetted by husband or by such relative of the husband, he submitted that it is not such a case where any such presumption can be drawn to charge the petitioner for abetment to commit suicide. The deceased was pursuing MBA for which the petitioner helped her. Apart from that, she is a lady entitled to the benefit of proviso of Section 437 CrPC especially when she has a young daughter aged about seven years and aged parents suffering from various ailments to look after. It has also been submitted by Mr. U.U. Lalit, learned Senior Counsel that once Chanshivroop Singh was arrested and released on bail, it was for the Court to ensure that he does not flee. The petitioner cannot be blamed if due to any lapse on the part of Court or investigating agency, he has managed to flee from the country. At the most, it can be said that the petitioner asked the deceased to come to the office to sign some documents and then resign which does not amount to instigation or abetment. Rather deceased was attending the Fashion Show of her brother in Mumbai and for whatever reason she might have committed suicide, the petitioner cannot be blamed for that.

13. While summing up arguments, Mr. U.U. Lalit, learned Senior Counsel has submitted that petitioner deserves to be enlarged on bail for the reason that she had been in custody for 110 days and during this period, she has also been subjected to custodial interrogation, chargesheet has already been filed by the prosecution and going by the allegations in the chargesheet, no case, even prima facie, for commission of the offence u/s 306 IPC can be said to have been

committed by the petitioner.

14. Learned Senior Counsel for the petitioner has relied upon Madan Mohan Singh Vs. State of Gujarat and Another, wherein quashing was allowed in a case u/s 306/ 107 IPC in the similar circumstances that employee (Driver) committed suicide holding the superior officer responsible for his extreme step. In Madan Mohan Singh's case, in the suicide note, the appellant was named to be the person responsible for the suicide by deceased Deepakbhai Krishanlal Joshi, who was employed as driver. Reference was made to para 13 of the report wherein the Apex Court observed that it was absurd to even think that a superior officer like the appellant would intend to bring about suicide of his driver and, therefore, abet the offence. In fact, there was no nexus between the so-called suicide (if at all it was one for which also there was no material on record) and any of the alleged acts on the part of the appellant and there was no proximity either and the proceedings were quashed.

15. Learned Senior Counsel for the petitioner has submitted that here in the given facts, at least the petitioner is entitled to bail in the given facts and circumstances when there is nothing on record to suggest that except performing her official part of work and helping the deceased as colleague, she had done any other act for which she can be, prima facie, held liable u/s 306/ 120B IPC.

16. In reply to the bail application filed by the State, reference has been made to two suicide notes dated 04.05.2012 and 04.08.2012 wherein role of the petitioner has been specified to prima facie establish active involvement of the petitioner in abetting the commission of suicide by the deceased. It has been submitted that deceased was subjected to harassment for a specific purpose by the petitioner and her co-accused which compelled her to end her life, hence the petitioner is equally liable alongwith the co-accused.

17. Mr. Sidharth Luthra, learned Addl. Solicitor General has urged that proviso of Section 437 CrPC does not create an absolute right for bail being granted to a woman in non-bailable cases de hors the seriousness of the offence.

18. On behalf of State, it has been further urged that the petitioner played an active role and ensured that the deceased return from Dubai to join MDLR Group of Companies and remain under the control of co-accused Gopal Goyal. The NOC given to the deceased when she left MDLR Group of Companies to join Emirates Airlines bore the signature of one Rajiv Kumar Prashar who was not on the pay roll of MDLR during the period 07.11.2009 to 14.06.2010 and the NOC was forged at the behest of the petitioner and her co-accused with malafide intention to disown the NOC and blame the deceased for forgery. This was also used to pressurise the deceased to return from Dubai. Further Chanshivroop Singh was sent to Dubai by the petitioner and her co-accused authorising him to act on behalf of MDLR Airlines in all matters related to the deceased Geetika Sharma and the petitioner was in constant touch with Chanshivroop Singh to know the progress to ensure removal of deceased from Emirates Airlines and join MDLR.

Thus, circumstances were created wherein Geetika Sharma was forced to resign from her job in Emirates Airlines in Dubai and return to join MDLR Airlines. Chanshivroop Singh was asked to create false E-mail ID in the name of Sheikh Bhasir A1 Bharam, Director, Emirates Groups to send a threatening e-mail to the deceased. Since Chanshivroop Singh hesitated and refused for the same, the petitioner threatened him and told him to either do the work or face consequences. The said forged e-mail dated 01.10.2010 sent to the deceased had an attached file having the copy of forged order dated 13.09.2010 of Dubai Court purported to be issued from Justice Hassan Abdelaziz Musand. It has been submitted that these acts amount to commission of forgery of the record of the Court and forgery for the purpose of harming the reputation of an individual and are punishable and the intention was to pressurize and threaten Geetika Sharma to force her and to come back into the clutches of co-accused Gopal Goyal.

19. On behalf of State, it has been further submitted that it was the petitioner who had taken the deceased to a clinic at Lajpat Nagar for getting her abortion done. On 03.08.2012, just a day before this occurrence, the petitioner had a talk with mother of the deceased instructing her to send Geetika Sharma to sign the documents and resign and at that time, adverse comments were made regarding the character of the deceased which mentally disturbed the deceased and her mother. Referring to the call details record, it has been submitted that earlier the petitioner had detailed conversation with the deceased.

20. While referring to the statement of parents and brother of the deceased recorded u/s 164 CrPC, it has been submitted that the role of the petitioner is duly reflected in the same. The petitioner was not only an employee of MDLR Airlines but constantly participated in the conspiracy with her co-accused Gopal Goyal to cause harassment to the deceased and acted as facilitator in the illegal acts of her co-accused and there is every possibility of the petitioner tampering with the evidence and threatening the witness if enlarged on bail at this stage. Further the job profile of the petitioner was such that earlier also her daughter was being looked after by her parents and she has close relations to take care of her family.

21. Mr. Sidharth Luthra, learned Addl. Solicitor General has submitted that statement of Rajiv Kumar Prashar has been recorded wherein he has specifically stated that he was not on the pay roll of MDLR from 07.11.2009 to 14.06.2010 and that NOC on the letter head of MDLR does not bear his signature.

22. Mr. Sidharth Luthra, learned Addl. Solicitor General has placed reliance on Praveen Pradhan Vs. State of Uttaranchal and others, wherein prayer for quashing was made in a case u/s 306/ 107 IPC. The deceased in that case was an Engineer. As per the suicide note left by him, he blamed Praveen Pradhan i.e. the petitioner in that case, for humiliating, exploiting, demoralising him and hurting his self-respect and forcing him to resign. The Apex Court observed that instigation has to be gathered from the circumstances of a particular case and no straitjacket formula can be laid down to find out as to whether in a particular

case there has been instigation which forced the person to commit suicide. It was further observed that in a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide.

23. I have considered the rival contentions. First I deal with the contention of the petitioner that she should be enlarged on bail for the reason that she has spent 110 days in custody, being woman her prayer for bail has to be considered in the light of proviso to Section 437 CrPC especially her family circumstances that she has to look after her seven years old daughter as single parent as well her aged ailing parents.

24. Merely because, the petitioner is in incarceration for 110 days, is in itself does not entitle her to be enlarged on bail. In the case of Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another, , it was held that:

The mere fact that the accused has undergone certain period of incarceration by itself would not entitle the accused to be enlarged on bail nor the fact that the trial is not likely to be concluded in near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the accused on bail when the gravity of the offence alleged is severe.

25. So far as release of the petitioner on the ground that she is a woman and is entitled to bail under proviso (1) to Section 437 CrPC, is concerned, it is necessary to mention here that this proviso is not mandatory. In the case Chandrawati (in Jail) Vs. State of U.P., it was held that:

Overriding considerations in granting bail which are common both in Section 437(1) and 439(1) of Criminal Procedure Code are the nature and gravity of the circumstances in which the offence has been committed, position and status of the accused with reference to the victim and the witnesses and likelihood of the accused fleeing from justice and tampering with witnesses etc. It was held that the bail is at the most a matter of procedural privilege and not an accrued right until it is granted. Consequently, it was held that the accused would not be entitled to bail merely being a woman on account of proviso to Section 437(4) of the Criminal Procedure Code. It was further held that the cause of public justice also has to be zealously guarded compared to the rights of a criminal defendant. Interest of society and also cause of public justice has also to be kept in mind while granting or refusing bail. Consequently, if offence is of such a nature which affects the vital interest of the society and has adverse effect on the social and family life, in such matters the issue is to be considered with reference to them and one of the consideration which has to be weighed for granting or refusing bail is a nature of the offence and its heinousness.

26. The parameters to be considered for grant of bail in non-bailable offences have been dealt with by the Apex Court recently in Pratapbhai Hamirbhai Solanki

Vs. State of Gujarat and Another, . In paras 15 to 19 of the report, it has been observed:

15. At this juncture, we may refer with profit to certain authorities which lay down the considerations that should weigh with the Court in granting bail in non-bailable offences. This Court in *The State Vs. Captain Jagjit Singh, and Gurcharan Singh and Others Vs. State (Delhi Administration)*, has held that the nature and seriousness of the offence; the character of the evidence; circumstances which are peculiar to the accused; a reasonable possibility of the presence of the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State and other similar factors which may be relevant in the facts and circumstances of the case are to be considered. The said principles have been reiterated in *Jayendra Saraswathi Swamigal Vs. State of Tamil Nadu*, .

16. In *Prahlad Singh Bhati Vs. N.C.T. Delhi and Another*, , this Court has culled out the principles to be kept in mind while granting or refusing bail. In that context, the two-Judge Bench has stated that while granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

17. In *State Vs. Amarmani Tripathi*, , while emphasizing on the relevant factors which are to be taken into consideration, this Court has expressed thus:-

While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.

In the said case, the Bench has also observed as follows:-

Therefore, the general rule that this Court will not ordinarily interfere in matters relating to bail, is subject to exceptions where there are special circumstances and when the basic requirements for grant of bail are completely ignored by the High Court.

18. Recently, in Ash Mohammad Vs. Shiv Raj Singh @ Lalla Babu and Another, , this Court while dealing with individual liberty and cry of the society for justice has opined as under:-

It is also to be kept in mind that individual liberty cannot be accentuated to such an extent or elevated to such a high pedestal which would bring in anarchy or disorder in the society. The prospect of greater justice requires that law and order should prevail in a civilized milieu. True it is, there can be no arithmetical formula for fixing the parameters in precise exactitude but the adjudication should express not only application of mind but also exercise of jurisdiction on accepted and established norms. Law and order in a society protect the established precepts and see to it that contagious crimes do not become epidemic. In an organized society the concept of liberty basically requires citizens to be responsible and not to disturb the tranquility and safety which every well-meaning person desires.

19. We are absolutely conscious that liberty is a greatly cherished value in the life of an individual, and no one would like to barter it for all the tea in China, but it is obligatory on the part of court to scan and scrutinize, though briefly, as regards the prima facie case, the seriousness and gravity of the crime and the potentiality of the accused to tamper with the evidence apart from other aspects before the restriction on liberty is lifted on imposition of certain conditions.

27. Learned Senior Counsel for the petitioner has referred to the statement of the mother of the deceased that on being satisfied about the family environment at the work place that Geetika-the deceased resumed duties. Here suffice it to say that the family members of the deceased could make statement only to the extent what they were seeing and what happened in their presence. What kind of physical exploitation, the deceased was subjected to, can be made out from the postmortem report. The factum of her being pregnant and taken to a Gynaecologist is appearing in the statement of Dr. Vishakha Munjal. It is stated by Dr. Vishakha Munjal that when deceased Geetika was brought to her by Aruna Chadha, she was informed that the deceased Geetika was unmarried but pregnant and that it was not possible to get the MTP done as indoor patient. Thus, medicines were prescribed which could induce abortion. The contention of the petitioner that she had taken the deceased to the Gynaecologist to help her being her fellow colleague, on the face of it appears to be innocuous but in the light of her role in the two suicide notes wherein she has been put at par with her co-accused Gopal Goyal to be the person responsible for creating the circumstances wherein the deceased thought of taking the extreme step even on 04.05.2012 by writing a note to the effect that now this time Aruna is also helping him (Gopal Goyal) to hurt her, harass her, sabotage her family. She used to act as her well wisher but eventually she had shown her true colours and that for the sake of her job, she can stoop down to any level and that her trust in them was costing her life, indicate that it is not a case where the petitioner was only helping the fellow colleague.

28. The first suicide note is dated 04.05.2012. She has visited the Gynaecologist in March, 2012 alongwith the petitioner with the history of early pregnancy and wanted to go for abortion. While giving the history and the duration of pregnancy, the doctor was informed that she had got the pregnancy test done of her own and duration was about 5-6 weeks. On being asked, she disclosed her marital status as unmarried.

29. After being internally examined and advised admission for purpose of medical termination of pregnancy, she expressed her inability to get MTP done as indoor patient and opted for pills which was advised and she was called for review after two weeks. She preferred not to come after two weeks but visited the Gynaecologist on 14.05.2012 with some complaint of pain in lower abdomen and burning in urine for which she was treated.

30. This statement of the Gynaecologist indicates the state of mind through which the deceased was passing at the time when she had gone for abortion induced by pills and was passing through tough phase due to that. May be that, she left the idea of committing suicide after getting rid of unwanted pregnancy and was in the process of normalising when she started getting calls again, sometimes on her phone and sometimes on the phone of her brother and mother.

31. At this stage, the statement made by the petitioner before Emirates Airlines on 11.08.2010 cannot be said to be of any benefit to the petitioner for the reasons that (i) if the NOC was the creation of the deceased, the petitioner or her co-accused on detecting the forgery could have lodged FIR against her and complain to Emirates Airlines, (ii) chasing her in Dubai by making personal visits by the petitioner and her co-accused making her resign from there, give rise to the inference that they were well aware of this fake NOC and wanted to use it as a tool to create a situation where deceased had no option but to resign from Emirates Airlines, (iii) normally no prudent person would re-employ and assign a senior position to an ex-employee who had committed forgery to the extent that NOC from the company was forged. Not only she was re-employed, even admission in MBA course by the deceased was also sponsored by MDLR Company.

32. These circumstances suggest that fake NOC was not an issue for the petitioner or his co-accused or the MDLR Company, rather on the strength of that NOC, they managed to get the deceased back in the company.

33. At this stage for purpose of bail application, her visit to Dubai in connection with joining of Emirates Airlines by deceased and efforts to bring her back on one pretext or other, do suggest that she was alleged to be instrumental in her leaving Emirates Airlines to rejoin MDLR Company run by co-accused of the petitioner.

34. The suicide note dated 04.08.2012 allegedly written by Geetika Sharma before taking the extreme step, blames two people for her death naming them as Aruna Chadha and Gopal Goyal for ruining her life. At the stage of dealing with the bail application, this court is not supposed to give a prima facie finding

as to whether a case for abetment to commit suicide is made out against the petitioner. This is the job of Trial Court to hear on the point of charge and prima facie form an opinion whether it is a case of charge or discharge. Whatever allegations are made against the petitioner and her co-accused in the two suicide notes dated 04.05.2012 and 04.08.2012 left by deceased Geetika Sharma about the harassment being meted out to her by them. The statement of brother of the deceased is that initially Geetika was harassed by not giving NOC on one pretext or other and subsequently when she joined Emirates after getting the NOC, she was chased even in Dubai and the petitioner has also gone to Dubai to meet Geetika to force her to rejoin MDLR, even mails were sent to Emirates Airlines that Geetika had joined that Airlines after playing fraud and on the basis of fake NOC, thus creating a situation wherein she was compelled to come back and subsequently petitioner joined MDLR. Even the legal advisor of MDLR Company called him (brother of the deceased) to talk to Geetika and on getting the message, she talked to Ankit Ahluwalia from Mumbai Airport and that Geetika was so tense that she missed her flight on 03.08.2012 and returned to Delhi by morning flight on 04.08.2012. He had talked to Geetika 3-4 times on that day to enquire as to why she was disturbed and lastly he talked to her on the night intervening 04/05.08.2012 at about 1.15 am and at that time he was informed by Geetika that she has been under lot of mental tension because of Gopal Goyal and Aruna Chadha who were harassing her too much and then she said that she would talk in the morning. It is a matter of record that on that very night Geetika committed suicide. Thus, lastly she had a talk with her brother wherein she named the petitioner and her co-accused to be the persons who were harassing her.

35. In the statement of mother of the deceased recorded u/s 164 CrPC, she referred to a call by Aruna Chadha about 15-20 days prior to the occurrence when deceased had some arguments with the petitioner who was insisting Geetika to sign some papers and thereafter resign from service. At this, her daughter got annoyed and asked the petitioner not to make further call to her. The statement of mother of the petitioner is also to the effect that in the night of 03.08.2012, she received a call from Aruna Chadha-the petitioner that Geetika had to sign some papers and resign after four days. The petitioner also told her that the allegations made earlier in respect of character of Geetika by Gopal Goyal were true. Then, mother of the deceased said to the petitioner that she could never think that the petitioner would stoop so low to save her job.

36. A bare reading of the contents of two suicide notes and the statement made by brother and mother of the deceased if read as a whole, at this stage, it cannot be said that the petitioner had no role in commission of suicide by Geetika. It is not necessary in such type of cases to have direct evidence or presence at the spot immediately before or at the time of commission of suicide to form an opinion whether the allegations against the petitioner amount to instigation or abetment which forced Geetika to take the extreme step. The relationship between the deceased and the co-accused cannot be said to be limited to that of

an employer and employee relationship as can be gathered from the medical record and the statement of the doctor.

37. Taking into consideration the parameters to be kept in mind while considering an application at the time of grant of bail, I find that the nature of allegations against the petitioner are serious as a young life has been lost on inability to bear the harassment at the hands of petitioner and her co-accused. The petitioner may be an employee of MDLR but from the record, it can be gathered that she ensured that the deceased remain in MDLR Company.

38. Having considered the submissions made and the material on record, I feel that it is not a case of extending the benefit of bail to the petitioner. Application is dismissed. Any observations made hereinabove for the purpose of dealing with the contentions of the parties shall not prejudice to the case of either party at any stage of the trial.