
(2018) 12 DEL CK 0265
In the Delhi High Court
Case No : Bail Application No. 2267 Of 2018

Kashmuddin

APPELLANT

Vs

State (Nct Of Delhi)

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304B, 498A

Citation : (2018) 12 DEL CK 0265

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Gaurav Kochar, Dollar Jain, Nitin Arora, Hirein Dahiya

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks regular bail in FIR No. 101/2018 under Sections 498-A/304-B/34 of the Indian Penal Code, 1860 registered at Police Station Khajuri Khas.
2. Petitioner is the husband of the deceased. The allegations by the in-laws based on which the subject FIR was registered are that petitioner and his family was ill-treating the deceased and making demands for dowry and that the petitioner had made the deceased to forcefully drink the poison.
3. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no evidence to substantiate that the deceased died on account of unnatural circumstances. He further submits that there was no visible injury on the body of the deceased and the allegation that she had drunk poison is also unsubstantiated.
4. Status report has been filed and the same is taken on record. As per the MLC, there was no visible injury found on the body of the deceased. Further opinion has been received from the Department of Forensic Medicines, University College of Medical Sciences at GTB Hospital. It shows that the stomach sample (Viscera)

recovered from the body of the deceased tested negative for poison. Further opinion is that the cause of death is respiratory failure due to pulmonary oedema.

5. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of regular bail.

6. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court. Petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

7. The petition is disposed of in the above terms.

8. Order Dasti under signatures of the Court Master.