
(2011) 02 DEL CK 0158
In the Delhi High Court
Case No : Bail Application 412 of 2010

Shkuntala Devi @ Murti Devi	Vs	APPELLANT
Govt. of NCT of Delhi		RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 304B, 34, 498A

Citation : (2011) 177 DLT 661 : (2011) 1 DMC 565

Hon'ble Judges : S.N. Dhingra, J

Bench : Single Bench

Advocate : Rajat Wadhwa and Molinder Pal Singh, for the Appellant; Govt. of NCT of Delhi O.P. Saxena, Addl. PP, for the Respondent

Judgement

Shiv Narayan Dhingra, J.—This application for bail has been made on behalf of applicant who is facing trial u/s 498-A/304B/34 IPC.

2. The applicant is mother-in-law of the deceased and is in JC since 17th August, 2009. The deceased was married to accuse Praveen Aggarwal on 13th July, 2005. She had committed suicide on 9th March, 2009 by hanging herself after locking her room from inside. She had a male child from the wedlock. When search of the room of the deceased was conducted, police recovered a card on the back of which the deceased had left behind a note reading as under :

To My Dear Husband Praveen K, I am very sorry I love you very much and I like you most in the world. But I have not been able to understand you properly as to what hope do you have from me. When I came to this house I was under the impression that I have got a family as I wished and I got a very loving and understanding Husband and so I was very happy but you could not understand my feeling. I only want that you understand my feeling and love towards you because I am incomplete without you.

3. At the time when deceased had locked herself in the room her husband and other male members of the family were not there as they had already left for

business. The other daughter-in-law of the family informed them and the parents of the girl immediately. However, by the time the male members reached the house and broke open the door, the deceased had already committed suicide. She was immediately removed to Saroj Hospital where she was declared brought dead. Father of the deceased made a statement before the SDM that the deceased was being harassed by her in-laws for dowry. She used to be taunted that she comes from a poor family and her parents did not spend on her same amount of money as on the other daughter. The in-laws were asking her to bring a lakh-two lakh rupees. In the month of January of that year i.e. in 2009 when she had visited her parents, her parents gave her Rs. 30,000/-. The father of the prosecutor had told her in-laws that he had a private service and had already spent on the marriage of his daughter as per his capacity and he was unable to give further dowry. He stated that it was not a suicide committed by his daughter but it was a murder of his daughter.

4. The allegations of dowry demand were made against every family member and four of them are facing trial namely husband, mother-in-law, father-in-law and brother of husband.

5. Statements of parents of the deceased have already been recorded in the court. After considering the cross-examination of the parents it is apparent that the husband of the deceased had opened a bank account in the name of the deceased after marriage. This bank account was being operated by the deceased herself. In the bank account she was regularly depositing money given to her by husband. It is also clear that couple had gone to visit various places and had gone for honeymoon. Deceased's sister had also visited her in-laws house and stayed there. Cross examination of the witnesses examined so far, coupled with suicide note left behind by the deceased compel me to grant bail to the accused, though it would not be appropriate to comment further on the merits of the case as it may prejudice the case before the trial court.

6. I, therefore, direct that applicant be released on her furnishing personal bond in the sum of Rs. 50,000/- with one surety of like amount to the satisfaction of trial court concerned.