



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 08.01.2025*

+ **BAIL APPLN. 4553/2024**

SUSHMA

.....Petitioner

Through: Mr. Anil Goel, Mr. Aditya
Goel and Mr. Pranjal Sharma,
Advocates

versus

STATE/NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State with Inspector Arun
Dagar, P.S. Bhalswa Dairy
Mr. Kameshwer Mishra,
Advocate for the complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 456/2024, registered at Police Station Bhalswa Dairy, Delhi, for offences punishable under Sections 498A/304B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Issue notice. Mr. Manoj Pant, learned APP accepts notice of the present bail application on behalf of the State.



3. Brief facts of the present case, as borne out of the status report, are that on 31.05.2024, a PCR call was received at P.S. Bhalswa Dairy *vide* DD No.90A and the same was entrusted to SI Sanjeet, who along with Constable Hariram reached at the spot, where the deceased Pooja (aged about 25 years) was found kept in a cold storage/freezer outside the house. During the course of enquiry, it was revealed that deceased Pooja had got married to Sh. Prince on 12.12.2021 as per Hindu rites and rituals. The dead body of the deceased was sent to BJRM Hospital for preservation for 72 hours. During the course of enquiry, SDM Model Town was informed about the incident, and thereafter, an inquest proceeding under Section 176 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C*') was initiated, and statements of deceased's father Sh. Ram Babu and brother Sh. Manoj were recorded. In their statements, they informed that at the time of marriage of Pooja, they had given ₹10 Lakhs cash to Pooja's in-laws on their demand. They further informed that on 31.05.2024, Pooja had sent an audio recording through WhatsApp to her sister Smt. Nidhi, in which Pooja's mother-in-law Smt. Sushma was heard arguing and harassing her. On 31.05.2024 at about 7 AM, they were informed by deceased's father-in-law Sh. Raja Ram that Pooja had consumed something at night and did not awake today morning and that she had passed away. Both of them suspected that deceased's in-laws may be involved in Pooja's death. Postmortem of the deceased was conducted at BJRM Hospital on 01.06.24. On 04.06.24, Sh. Ram Babu gave a written complaint at PS Bhalswa Dairy regarding the demand of ₹5 Lakhs as dowry, made by his



daughter Pooja's in-law's after her marriage. During investigation, deceased's mother Smt. Malti Devi's statement was recorded under Section 161 of Cr.P.C in which she revealed that Pooja's in-laws were demanding dowry of ₹. 5 Lakhs as they wanted to purchase a car. She also stated that on 28.05.2024, her daughter Pooja had made a WhatsApp video call in which she had asked her to make arrangement of ₹ 5 Lakhs by stating that she was daily beaten and harassed by her husband and in-laws for demand of dowry. The husband of the deceased Sh. Prince Rathore was arrested on 19.06.2024. On 21.06.2024, the brother-in-law and sister-in-law of the deceased were granted anticipatory bail by the learned Sessions Court. The anticipatory bail of Sh. Raja Ram was dismissed twice by the learned Sessions Court, *vide* orders dated 13.06.2024 and 24.06.2024, by this Court *vide* order dated 10.07.2024 and by the Hon'ble Supreme Court *vide* order dated 17.09.2024. Thereafter he surrendered and was arrested on 25.09.2024.

4. The present applicant was arrested on 25.11.2024. Her first regular bail was rejected by the learned Sessions Court on 02.12.2024.

5. First charge-sheet was filed against the husband, brother-in-law and sister-in-law of the deceased. Supplementary charge-sheet has now been filed against Sh. Raja Ram and the applicant Smt. Sushma.

6. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in this case and there are no



specific allegations against her. It is contended that the brother-in-law and sister-in-law of the deceased were granted anticipatory bail by the learned Sessions Court itself and there is no reason to deny the relief of regular bail to the present applicant against whom same general allegations have been levelled. The learned counsel states that the investigation *qua* the applicant also stands concluded and no purpose will be served by keeping her in the custody, more so since, she is a senior citizen, suffering from various old age ailments, and having absolutely clean antecedents. It is also stated that the minor child of the deceased is in the custody of the family of the applicants and is presently being looked after by the brother-in-law and sister-in-law of the deceased, and the applicant should be granted the benefit of bail to take good care of the minor child.

7. On the other hand, the learned APP for the State, argues that the FIR contains specific allegations of the deceased being harassed by the applicant herein along with co-accused persons for the purpose of demand of dowry. The learned APP also draws attention of this Court to the fact that the accused persons had misdirected the investigation and had also misguided the parents of the deceased, after she had passed away by informing them that the night before she passed away, she was feeling uneasy and had consumed a medicine, but had not informed them about the fact that she had committed suicide by hanging herself. The learned APP further contends that the police had received information regarding there being strangulation marks on the neck of the deceased and the



deceased being kept in a deep freezer, instead of being taken to the hospital. He also submits that immediately before her death, on 28.05.2024, a video call was made by the deceased to her parents that her in-laws were demanding dowry, and she had also sent an audio clip through WhatsApp to her sister Smt. Nidhi in which Pooja's mother-in-law Smt. Sushma was heard arguing and harassing her.

8. This Court has **heard** the arguments addressed on behalf of both the parties, and has perused the material placed on record.

9. In the present case, this Court is of the view that the record reveals and substantiates the *prima-facie* case of the State, that the deceased herein was being harassed for demand of dowry by her in-laws, including the present applicant who is the mother-in-law of the deceased. In this regard, this Court's attention was drawn to the statements recorded by the police during the course of investigation wherein the parents of the deceased had levelled specific allegations of demand of dowry of ₹5 Lakhs, for purchasing a car, against the accused persons. This Court has also given his considerable thought to the fact that the mother of the deceased, in her statement recorded during the course of investigation, had informed that immediately before her death, the deceased on 28.05.2024 had made a video call to her mother in which she had asked her to make arrangements of ₹5 lacs as she was being harassed and beaten by her husband and in-laws for demand of dowry. The mother of the deceased also stated, and it was also revealed during investigation, that on 31.05.2024, the deceased had sent an audio clip to her sister wherein the mother-in-



law of the deceased i.e. the present applicant could be heard arguing with the deceased. The said recording was also collected during the course of investigation.

10. It is also the specific case of the prosecution that Sh. Raja Ram, the husband of the present applicant and the father-in-law of the deceased, had made a phone call on the day of incident to the parents of the deceased and had tried to mislead them by informing them that the deceased was having some chest pain and anxiety in the night, for which she had consumed a medicine, but she did not wake up the next morning. However, the post-mortem examination report revealed the cause of death as “*combined effect of asphyxia and venous congestion consequent to antemortem ligature hanging*”. It was also revealed during investigation that the accused persons including the present applicant had neither informed the police nor the parents of the deceased about the actual reason for death, which was due to hanging, and in fact, the accused persons had kept the body of the deceased in a freezer by the time the police had reached at the spot. Further, the accused persons had not informed the police about the incident and rather, the information to the police was given by some friend of the deceased.

11. The minor female child of the deceased, though presently in the custody of the family of her husband, does not, at this stage, obviate the allegations levelled in the complaint against the accused persons. The learned counsel appearing for the victim, during the course of arguments, stated that the parents of the deceased have also



filed an application for taking custody of the minor child. However, that is not the relevant factor to be taken into consideration by this Court while taking a *prima-facie* view about the seriousness of allegations levelled against the present applicant to decide the application for grant of bail.

12. Concededly, the marriage between the deceased and co-accused Sh. Prince was solemnized on 12.12.2021, and the Smt. Pooja died on 31.05.2024 i.e. within a period of 2½ years, in her matrimonial home, under unnatural circumstances, and that immediately before her death, she was harassed for demand of dowry.

13. At this stage, this Court is of the opinion that the allegations against the present applicant are serious in nature, and the charges are yet to be framed against the accused persons. Therefore, at this stage, no ground for regular bail is made out.

14. The application is accordingly dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 8, 2025/A