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

% **Decided on: 13.09.2023**

+ **BAIL APPLN. 2703/2023**

SAHIBE ALAM

..... Petitioner

Through: Mr. Man Mohan Goel, Mr. Lalit  
Sharma, Advocates

versus

STATE GOVT OF NCT OF DELHI THROUGH SHO

CONCERN POLICE STATION BEGUM PUR ..... Respondent

Through: Mr. Manoj Pant, APP for State  
with Inspector Vinod Yadav, PS  
Begum Pur.  
Mr. Rakesh Nautiyal, Advocate  
for complainant

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**JUDGMENT**

**SWARANA KANTA SHARMA, J. (ORAL)**

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no. 256/2021, registered at Police Station Begumpur, Delhi for the offences punishable under Sections 304B/306/498A/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.



3. Brief facts of the case are that the accused who is the husband of the deceased was charged for committing offences under Sections 304B/306/498A/34 IPC and an FIR was registered at Police Station Begum Pur in this regard. The complainant, who is the father of deceased, had alleged that some time after the marriage, the present accused/applicant along with the co-accused used to quarrel with and beat the deceased. About 15 days prior to the incident, the deceased had visited her maternal home with her brother since the accused persons were torturing her. After three days, the accused had visited the parental home of the deceased and had taken her back to the matrimonial home on the assurance that he along with the deceased will shift to a rental accommodation in case any quarrel with take place at the matrimonial home. Thereafter on 31.05.2-21, the father of the deceased had received a phone call from Dr. Ashok who was known to him who had informed him that the deceased had consumed some poison. When the father of the deceased had reached at the spot, he had found the deceased in a semi conscious state, and she was shifted to hospital where she had passed away.

4. It is argued by learned counsel for the applicant/accused that he is in custody since 03.06.2021 and that he has been falsely implicated in this case. It is also stated that FSL report does not support the prosecution case and that no chemical, microscopic, TLC & GC-MS examination, metallic poisons, ethyl and methyl alcohol, cyanide, phosphide, alkaloids, barbiturates, tranquilizers and pesticides could get detected in the viscera sample sent for FSL. It is further stated that as per the post mortem report, the cause of death in this case is due to



chronic lung disease and its sequelae.

5. Learned APP for the State, on the other hand, states that the allegations levelled against the accused are very serious in nature. It is also stated that due to the torture, beatings and demand of dowry, the death of the deceased has taken in this case.

6. I have heard arguments addressed by learned counsel for applicant and learned APP for State and have gone through the case file. I have also gone through the status report filed by the State.

7. After going through the same, this Court is of the opinion that the present complaint had been lodged by the father of the deceased on the suspicion that his daughter had been killed by her husband and in laws by poisoning her.

8. A perusal of the MLC reveals that history of consumption of unknown substance Mortein was given by the attendant to the doctor concerned. The patient was unfit for statement and her blood pressure was not recordable. It is therefore clear that no statement or history could be given by the deceased to the doctor concerned. The FSL report reveals that that no chemical, microscopic, TLC & GC-MS examination, metallic poisons, ethyl and methyl alcohol, cyanide, phosphide, alkaloids, barbiturates, tranquilizers and pesticides could be detected in the viscera sample which had been sent for FSL.

9. The post mortem report also opines that the death of deceased had taken place due to chronic lung disease and its sequelae. The accused is in custody since 03.06.2021, and the trial will take some time to conclude while evidence is being recorded.

10. Considering the overall facts and circumstances of the case, the



period of judicial custody of the accused and the result of the post mortem report as well as the FSL report, this Court is inclined to grant bail to the accused/applicant on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Trial Court.
  - ii) The applicant shall provide his phone number and residential details to the concerned Trial Court as well as to the IO/SHO.
  - iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
11. Accordingly, the present bail application stands disposed of.
  12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
  13. The order be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**SEPTEMBER 13, 2023/dk**

*[Click here to check corrigendum, if any](#)*