

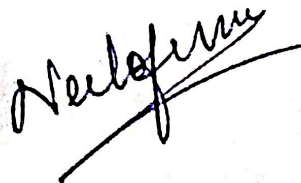
B. A. No. 1472
FIR No. 281/2020
PS: Wazirabad
State Vs. Devender Kumar
U/s 498A/304B IPC

20.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Devender Kumar in case FIR No. 281/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That accused-applicant has clean antecedents. That the marriage of applicant/accused with the deceased was solemnized on dated 14.02.2020 at Khasra No. 24/9, Gali no. 7, 1st Floor, Surendra Colony, Party-III, Jharaoda, Delhi. That one year before their marriage while the deceased was living in her village with her parents at village- pure Prabhat, Dili Saraiya, Tehsil- Milkipur, PS- Khandasa, District Ayodhya of Uttar Pradesh State around evening time when she was returning from home form the market on her bicycle, her bicycle had accidentally slipped on the road due to which she had suffered serious injury on her head. That though after treatment her external injury was cured but she never consulted well qualified neurologists/specialists for any possible internal brain injury. She remained unstable and she used to be unconscious on many occasions while at her parental house but the requisite treatment was not obtained. That such facts were disclosed to him by the brother of the deceased. That according to the brother of the deceased, the deceased also complained of severe headaches and pain on the injured area on her head and when she was asked to go hospital then she herself refused to go to hospital nor to take clinical advice or treatment hoping that time will cure the same. That according to the family of the deceased, after the above said incidents, the deceased, after passing of the time, gradually, lived in the unstable mental condition and always behaved



abnormally and began to live depressed. That the complainant and his family members believed blindly that the condition of the deceased person would be fine and normal once she is married and on such faith, the complainant and his family members fixed the marriage of the deceased, without disclosing the aforesaid facts and mental condition of the deceased to the applicant/accused. That after their marriage the applicant/accused also realized that his wife, sometimes, behaved abnormally that she used to be depressed and unconscious and on several occasions she complained of headache. When the applicant/accused asked her to take her to hospital then she would refuse and took pain killers only to treat her headache and pain. Subsequently the wife of the applicant/accused got pregnant and meanwhile, her mental condition worsened and she used to live more depressed which could not be taken seriously by the applicant/accused as he was not aware about the accident. That when the deceased used to live depressed during her pregnancy, the applicant/accused always tried to converse with her and always tried all his efforts to make her happy. That on 23.07.2020, Anshu, the deceased wife of applicant/accused for reasons unknown to the accused-applicant, hanged herself and committed suicide when she was pregnant for 11 weeks. The deceased was taken to nearby hospital where she was declared brought dead. That the untimely death and under such circumstances came as a shock to the family and they were all in a state of great sorrow. That there are no such allegations of any demand of dowry or harassment and that the FIR came to registered against him on the pressure of the NGO, and that the complainant who is the brother of the deceased has himself of his free will and volition filed affidavits sent to the authorities concerned that the FIR is registered under the pressure of the NGO and infact there was never any such demand of dowry or harassment and that his deceased sister infact was suffering from depression caused by an old head injury. That accused-applicant is in JC since 15.01.2019.

Ld. Addl. PP for State submits that the accused-applicant used to physically and mentally torture the deceased for dowry and had demanded bullet

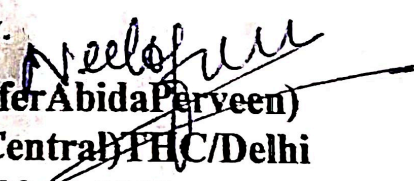
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motorcycle. That the complainant had made the statement before the Executive Magistrate on the basis of which the present FIR is registered. That there is nothing in the PMR to show the existence of any old head injury. That deceased committed suicide due to regular torture and harassment by the applicant and his family. That the last bail application of the accused-applicant is dismissed on 17.09.2020 and there has been no change in circumstances since then.

Heard.

The present FIR is registered on the statement of the brother of the deceased on 24.7.2020, alleging that marriage of his sister was solemnized with the accused-applicant on 14.2.2020 as per Hindu rites and ceremonies and that immediately after the marriage he had started ill treating his sister for dowry and used to beat her and used to demand from the complainant and from the deceased motorcycle bullet as to why bullet not given, and when she had come to the parental house then she had told about this fact to her mother.

The previous bail application of the accused-applicant was dismissed on 17.09.2020. The same grounds that are agitated before me, including that the brother of the deceased has filed affidavit before the appropriate authorities stating that the FIR was registered under the pressure of NGO were raised under the previous bail application, all the grounds pressed before me including the change in stance on the part of the complainant were considered and the application was dismissed while observing that it is a matter of trial and cannot be appreciated at this stage. For the purposes of present application before me, therefore there has been no change in circumstances since then warranting fresh consideration in the matter. The application is nothing but a successive bail application filed on the same grounds without there being any change in circumstances. Application is dismissed accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
20.11.2020