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

% **Decided on: 11.08.2023**

+ BAIL APPLN. 1968/2023

SAGAR Petitioner

Through: Mr. Amit Khanna, Advocate

versus

THE STATE (GOVT. OF NCT) Respondent

Through: Mr. Manoj Pant, APP for State
with ASI Sukhvir Singh, PS
Ranjit Nagar

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 the petitioner seeking regular bail in FIR bearing no. 475/2022, registered at Police Station Ranjit Nagar, for offences punishable under Sections 498A/306 of Indian Penal Code, 1860 ('IPC').

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

3. Briefly stated, the facts of the present case are that the father of the deceased Panina had known the father of accused/applicant Sagar for several years, and had arranged the marriage of deceased and the



present accused/applicant, which was solemnized on 18.05.2022. After the marriage, the deceased had committed suicide in the intervening night of 30/31.05.2022 by hanging herself with the ceiling fan using a *dupatta*. Thereafter, the present FIR was registered on the statement of the father of the deceased whereby he had stated that the applicant had an extra marital affair with some other female, and had killed his daughter/deceased.

4. Learned counsel for the applicant states that the applicant is innocent and has no connection with the suicide of his wife. It is stated that the present accused/applicant and deceased were having good relations after the solemnization of their marriage, and he was shocked to learn about the suicide of the deceased. It is stated that no suicide note has been left by the deceased, and there was no demand of dowry.

5. *Per contra*, learned APP for the State argues that the allegations against the applicant are serious in nature. It is stated that the deceased was suffering from mental agony on account of applicant's extra marital affair, and the same is supported by the testimonies of material witnesses.

6. This Court has heard the arguments addressed by learned counsel for the applicant and learned APP for the state, and have perused material on record.

7. In the present case, this Court is of the opinion that there are specific allegations against the accused/applicant that he was having extra marital affair with some other female and the deceased was undergoing tremendous stress and trauma on daily basis. There are



specific allegations that the deceased was subjected to mental and physical torture. This Court has also gone through the statement of mother of the deceased under Section 164 Cr.P.C. which also reveals that the applicant had beaten the deceased when she had objected to his extra marital affair. It is also noted that the deceased had committed suicide within just 13 days after marriage.

8. The Court takes note of the fact that the extra marital relationship of the applicant was disclosed to the deceased on the first day after her marriage. In the present case, it is observed that discovering infidelity shortly after marriage can have profound and devastating effects on the mental and emotional well-being of the victim. The sense of shock can be overwhelming, as a woman may have entered the marriage with trust and hope, which in the present case was *prima-facie* shattered by the revelation of her husband's alleged extra marital affair. The emotional trauma of discovering infidelity and subsequent ill behavior of a spouse can drive a woman to take extreme steps to the extent of committing suicide. In the present case, it is the case of the prosecution that the suicide was committed by the deceased due to the acts of her husband. As regards the contention raised by the learned counsel for the applicant that there is no allegation for demand of dowry, it is to be noted that since the FIR in this case was registered under Section 306 and not under 304B, there is no significance of demand of dowry.

9. Considering the overall facts and circumstances of the case, no ground for grant of bail is made out at this stage.

10. Accordingly, the present bail application stands dismissed.



11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 11, 2023/dk