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

+ **BAIL APPLN. 1774/2016**

MOHD EHSAAN

..... Petitioner

Through: Mr. Sunil Kapoor and Mr Pujya
Kumar Singh, Adv.

versus

STATE

..... Respondent

Through: Ms. Radhika Kolluru, APP with Insp.
Ratadeen, PS Bharat Nagar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

31.01.2017

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The petitioner has preferred this application to seek regular bail under Section 439 Cr PC in case FIR 674/2015 under Section 498A/304B IPC registered at PS Bharat Nagar. The petitioner is in judicial custody since 22.11.2015.

The submission of learned counsel for the petitioner is that all the material and independent witnesses who are the mother, father and brother of the deceased have been examined. The petitioner is the husband of the deceased who had committed suicide by hanging.

Learned counsel submits that since the relevant evidence has already been recorded and only the examination of formal witnesses remains to be

carried out, there is no need for the continued judicial custody of the petitioner at this stage. He submits that there are several contradictions in the evidence of the said material witnesses on record, and there is hardly any evidence of any dowry demand by the petitioner.

Learned APP submits that so far as the aspect of appreciation of evidence regarding dowry demand is concerned, the same cannot be gone at this stage. At the same time, she cannot dispute the fact that the material witnesses, who are close relatives of the deceased have already deposed in the case.

In view of the aforesaid, I am of the view that the petitioner can be released on bail at this stage, since there is hardly any likelihood of his tampering with any evidence in the case. Accordingly, the petition is allowed. The petitioner is directed to be released on bail upon his furnishing personal bond with one surety in the sum of Rs.25,000/- to the satisfaction of the Trial Court. The petitioner shall provide his mobile phone number to at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Trial Court. He shall not contact the witnesses or tamper with the evidence.

Dasti.

VIPIN SANGHI, J

JANUARY 31, 2017

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