

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

**SUBJECT : INDIAN PENAL CODE**

Date of hearing and order: December 04, 2008

Bail Application No. 1706/2008

Roshan Lal ...

Through: Petitioner  
Ms Rekha Palli and Ms Poonam Singh,  
Advocates

versus

State of N.C.T. of Delhi ...

Through: Respondents  
Mr. R.N.Vats, Addl. Public Prosecutor  
Inspector Rajmal Meena.

SUNIL GAUR, J.

1. This is a case of dowry death. Brother-in-law (jeth) of the deceased is seeking bail on the ground that he is custody for about two years and the evidence of the father of the deceased has been recorded and his evidence does not implicate the petitioner as there are no specific evidence against the petitioner.
2. It is urged on behalf of the petitioner that he used to live on the ground floor; whereas deceased and her husband used to live on the first floor and there was hardly any interaction between the petitioner and the deceased and so petitioner deserve bail.
3. Bail has been declined to the petitioner by the learned Additional Sessions Judge by observing that the evidence of public witnesses is yet to be recorded and the gravity of the offence disentitles the petitioner to bail.
4. This petition is opposed by the State by submitting that the evidence of the father of the deceased cannot be pre-judged at this stage and the evidence of mother of the deceased could not be recorded on 19th November, 2008 as she was hospitalized. However, it is stated that now she has been discharged from the Hospital and trial court has now fixed 9th January, 2009 for recording of her evidence and the petitioner does not deserve bail on merits as well as on the ground that there is real apprehension of tampering with evidence. 5. Without adverting to the merits of the case, it is deemed fit that the bail is declined to the petitioner, at this crucial stage of recording of the evidence of the material witness i.e. the mother of the deceased.

6. This petition is dismissed with liberty to the petitioner to apply for bail afresh before the trial court after the evidence of public witnesses is recorded in this case.

7. With the aforesaid directions, this petition as well as pending application(s), if any stand disposed of.

Sd./-  
SUNIL GAUR, J

December 04, 2008