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

+ CRL.A. 224/2023

MOHD. IMRAN

.....Appellant

Through: Mr. Kushdeep Gaur, Advocate.

versus

STATE (GOVT.) NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP with
Insp. Rajiv, PS: Malviya Nagar.

+ CRL.A. 227/2023

SHAHNAZ

.....Appellant

Through: Mr. Kushdeep Gaur, Advocate.

versus

STATE (GOVT.) NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP with
Insp. Rajiv, PS: Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **09.08.2024**

CRL.M.A. 15801/2024 in CRL.A. 224/2023

CRL.M.A. 15785/2024 in CRL.A. 227/2023

Applications under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the appellants for early hearing of the appeals.

Allowed.

Applications stand disposed of.

CRL.M.(BAIL) 1172/2024 in CRL.A. 224/2023

CRL.M.(BAIL) 984/2024 in CRL.A. 227/2023

CRL.A. 224/2023 & 227/2023

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Applications for interim suspension of sentence are not pressed by learned counsel for the appellants.

Applications are accordingly disposed of as not pressed.

CRL.M.(BAIL) 355/2024 in CRL.A. 224/2023

CRL.M.(BAIL) 358/2024 in CRL.A. 227/2023

1. Applications under Section 389 read with Section 482 Cr.P.C. have been preferred on behalf of the appellants for suspension of sentence and release on bail during pendency of appeal in FIR No.2049/2015, under Sections 498A/304B/34 IPC, P.S. Malviya Nagar.
2. Appellant Mohd. Imran has been convicted vide judgment dated 09.11.2022 and sentenced vide order dated 08.02.2023 to undergo Rigorous Imprisonment (RI) for 10 years for offence punishable under Section 304B IPC and RI for 03 years and fine of Rs. 10,000/- for offence punishable under Section 498A IPC (in default of payment of fine to undergo SI for 01 month) with benefit of Section 428 Cr.P.C.
3. Appellant Shahnaz has been convicted vide judgment dated 09.11.2022 and sentenced vide order dated 08.02.2023 to undergo Rigorous Imprisonment (RI) for 07 years for offence punishable under Section 304B IPC and RI for 03 years and fine of Rs. 10,000/- for offence punishable under Section 498A IPC (in default of payment of fine to undergo SI for 01 month) with benefit of Section 428 Cr.P.C.
4. Learned counsel for the appellants submits that the deceased had committed suicide within 23 days of her marriage in the year 2015, since the marriage had been solemnized by her parents against her wishes. He points out that parents of deceased as well as petitioner belong to a humble background and allegations pertain to alleged demand of an almirah and a



touch screen mobile phone. The allegations are stated to have been leveled on account of death of deceased, though no such demands were made and are of insignificant value. He further urges that appellant Mohd. Imran (Husband) is in custody for a period about 03 years and 10 months while appellant Shahnaz (mother-in-law aged about 62 years) is in custody for a period of about 01 year and 08 months.

5. Learned APP for the State opposes the applications.

6. Admittedly, the deceased committed suicide within 23 days of marriage and as such, other reasons for committing suicide cannot be ruled out, since it has been pointed out by learned counsel for petitioner that the marriage was against the wishes of deceased. The allegations levelled by family members of the deceased primarily relate to only demand of an almirah and touch screen mobile phone which requires deeper consideration.

The disposal of appeal is likely to take some time. Considering the totality of the facts and circumstances and the contradictions brought on record, without expressing any opinion on the merits of the case, sentence of the appellants is suspended during pendency of appeal and are admitted to bail on furnishing a personal bond in sum of Rs. 20,000/- (Rupees Twenty Thousand Only) each with one surety in the like amount to the satisfaction of the learned Trial Court and subject to following conditions:

- (i) Appellants shall provide their mobile number to the Investigating Officer (IO) / SHO concerned at the time of release.
- (ii) In case of change of address, appellants shall intimate / communicate their fresh addresses to the IO / SHO concerned as well as learned Trial Court.



Applications are accordingly disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

CRL.A. 224/2023 and CRL.A. 227/2023

List in due course.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 9, 2024/R