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

+ BAIL APPLN. 4071/2020

ABRISHA ..... Petitioner

Through: Mr. R.P.Luthra, Advocate

Versus

STATE ..... Respondent

Through: Mr.G.M.Farooqui, Additional  
Public Prosecutor for State with  
Investigating Officer

**CORAM:  
HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

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**29.01.2021**

The hearing has been conducted through video conferencing.

1. Petitioner is seeking anticipatory bail in FIR No. 175/2020, under Sections 498A/304B/406/34 IPC, registered at police station Madhu Vihar, Delhi. Petitioner is the mother-in-law of the deceased and is seeking protection from arrest on the ground that false and baseless accusations have been made against her in the FIR in question. Petitioner is also seeking parity with other co-accused, who have been granted anticipatory bail by the court of Sessions.

2. On the last date of hearing, counsel for petitioner had submitted that the alleged dispute over cooking of food is false as two kitchens were running in the house and this Court had directed respondent/State to verify it.

3. Respondent/State has placed on record status report dated

29.01.2021, wherein it has been specifically stated that the house was admeasuring 50 sq. yards and comprised of two small rooms/ one kitchen/one toilet bathroom and a small hall. There was only one kitchen in the house and one LPG gas stove and LPG cylinder was present in the kitchen, which belonged to the in-laws of the deceased. The Investigating Officer had also found another LPG gas stove and cylinder placed on the floor near the room of the deceased and upon inquiry, from neighbours it was found that deceased and inlaws used to separately cook food.

4. The allegation leveled against the petitioner is that on the fateful day of the incident, petitioner did not allow deceased to cook food and she raised this issue with her husband and, thereafter, as per allegations, the deceased was pushed from the top floor and succumbed to the injuries sustained. The plea of petitioner is that since there were two kitchens, there was no possibility of dispute over cooking of food and since co-accused have been granted anticipatory bail, she also deserves the similar concession.

5. Learned Additional Public Prosecutor for State on instructions from Investigating Officer of this case, who is also present through video conferencing, submits that neither co-accused nor petitioner herein has joined the investigation till date. Learned Additional Public Prosecutor for State further submits that after grant of protection by this Court vide last order dated 19.01.2021, the Investigating Officer had visited the house of petitioner, but she was not found there and her son was informed, but still she has not joined the investigation.

6. As per status report, two kitchens were not there in the house, as stated by counsel for petitioner but two cooking arrangements were made.

Keeping in view the aforesaid and also the fact that the injuries sustained by the deceased were ante mortem, coupled with the fact that investigation in this case is in progress and petitioner is evading interrogation, I am of the view that to unearth the truth, custodial interrogation of petitioner may be required and, therefore, petitioner does not deserve protection from arrest.

7. The petition is, accordingly, dismissed while refraining to comment on the merits of the case.

8. The order be uploaded on the website of this Court forthwith.

**SURESH KUMAR KAIT, J**

**JANUARY 29, 2021**

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