

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 542 of 2025

Pawan Rawat

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Siddharth Tomar, Advocate for the applicant, through video conferencing.

Ms. Manisha Rana Singh, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant Pawan Rawat is in judicial custody in Sessions Trial No. 98 of 2022, State of Uttarakhand v. Pawan Rawat and others, pending in the court of First Additional Sessions Judge, Rishikesh, District Dehradun, which is based on FIR Case Crime No. 12 of 2022 dated 27.02.2022 under Section 304-B IPC, Police Station Rani Pokhri, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. Deceased Arti and the applicant were married on 12.12.2021. The FIR records that post marriage, the deceased was harassed and tortured for and in connection with demand of dowry. On 26.02.2022, at 07:00 in the evening, the deceased spoke to her elder sister. She was crying. On 27.02.2022, at 07:00 in the morning, the applicant visited the paternal home of the deceased and told that the deceased had sustained injuries and she has been taken to Himalayan Hospital, Jollygrant, Dehradun. Subsequently, when the family members of the deceased visited the hospital, they found that

the deceased had died 10 hours prior. The FIR records that the applicant had illicit relations with some other girl, therefore, he killed the deceased.

4. Learned counsel for the applicant submits that it is not a case of dowry death. He submits that in order to bring home the guilt of Section 304-B IPC is that that death was other than under normal circumstances and there had been a demand of dowry. He submits that in the instant case, the post-mortem report did not detect the cause of death, therefore, viscera and heart both were kept for forensic examination. He submits that the forensic report pertaining to heart does not confirm that the cause of death was by poisoning, because the muscles of heart were not soft and flabby. He refers to the Modi's Textbook of Medical Jurisprudence and Toxicology, 22nd Edition, Section II – Toxicology, page 88, wherein it is stated that in the cases of poisoning, the post-mortem appearance reveals sometimes soft and flabby heart.

5. It is also argued that in order to get the viscera examined, what is to be preserved for viscera and other articles in case of suspected poisoning is given in the medical jurisprudence books. He refers to page 104 of Section I – Medical Jurisprudence of the Modi's Textbook of Medical Jurisprudence and Toxicology, 22nd Edition, wherein it is given that what should ordinarily be preserved for examination. It is also argued that there had been no demand of dowry.

6. On the other hand, learned State Counsel submits that the marriage took place on 12.12.2021 and the death took place on 26.02.2022, which is within two months of the marriage; there had

been a demand of dowry; as also, the cause of death is by poisoning, as confirmed by forensic examination; witnesses have stated about demand of dowry.

7. It is also informed that all the prosecution witnesses have been examined and the now the matter is fixed for arguments.

8. It is a stage of bail. Much of the discussion is not expected of. The discussion is being made with a caveat that any observation made in this order should not have any bearing at trial.

9. Various statements of the witnesses have been referred to. A deeper scrutiny, at this stage, should be avoided. But, the fact remains that the witnesses have stated about the demand of dowry as well. There are two forensic science laboratory reports. One pertaining to heart, which is dated 06.08.2022 from the Department of Forensic Medicine & Toxicology, Himalayan Institute of Medical Sciences, Jolly Grant, Dehradun. According to this report, autopsy specimen of heart shows focal pulmonary calcification. With regard to soft and flabby heart muscle, in fact, in all cases it is not necessary that the muscles of the heart should be soft and flabby. In so far as the viscera examination is concerned, the report dated 23.12.2022 is on record. It contains the putrefied tissues said to be part of stomach, which include piece of small intestine and its contents of deceased. It also contains part of liver with gall bladder, part of kidney and spleen of the deceased. Based on this examination, the expert's report is that it had Organophosphorous poison. At this stage, much of the discussion is not expected of.

10. Having considered, this Court is of the view that it is not a case fit for bail. The bail application deserves to be dismissed.

11. The bail application is dismissed.

(Ravindra Maithani, J)
30.12.2025

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