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

CNR No. DLHC010198642026

+ **BAIL APPLN. 1762/2026 & CRL.M.A.25583/2026**

ROHIT SHARMA

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi,
Mr. Saurabh Goel & Ms. Shreya
Mishra, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for State.
Insp. Anand Prakash, PS K.M. Pur.
Mr. Shiv Chopra, Adv. (DHCLSC)
with Mr. Shravan Pandey, Ms. Surbhi
Arora, Ms. Shivani Kaushik & Mr.
Ayush Kumar, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **20.08.2026**

CRL.M.A. 25584/2026

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 1762/2026 & CRL.M.A.25583/2026

3. This application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") seeking regular bail in connection with FIR No.222/2024 for the offences punishable under Sections 80/85/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS")



registered at Police Station Kotla Mubarakpur, Delhi

4. The facts of the case, as per the prosecution, are that the marriage of the accused Rohit and the deceased Pratima was solemnized on 23.11. 2023, and the deceased died in suspicious circumstances on 02.07.2024. The said incident took place within a year of their marriage, which squarely attracts the presumption of dowry death under Section 80 of the BNS. In furtherance of the same, the applicant/accused has been arrested for causing dowry death of his wife, Pratima.

5. Learned counsel for the applicant submits that he is innocent and he has been falsely implicated in the present case. It was submitted that he has been in judicial custody since 03.07.2024, which is more than 2 years of incarceration. It is contended that, by now, only two of the witnesses have been examined out of many, who are the mother (PW-1) and sister (PW-2) of the deceased.

6. He further contends that if the evidence of PW-1, who is the mother of the deceased, is examined in the right context, it will indicate that there are no allegations against the present applicant. The applicant further claimed the benefit of parity, where he contends that the allegation, if any, of demand and dowry is against the other family members, i.e., the mother and brother of the applicant. Both of them have been granted regular bail by this Court. Lastly, it was submitted that the case of the husband stands on a better footing and therefore, the applicant be enlarged on regular bail. While rebutting the allegation of dowry demand

7. Per contra, the APP for the State, along with the counsel for the victim's family, vehemently opposed the submissions. The counsel emphasised that the date of marriage of the accused and the victim is



23.11.2023 and immediately thereafter, within one year, i.e., on 02.07.2024, the deceased has committed suicide in suspicious circumstances. They further contended that there is enough material against the applicant. The counsel relied upon the testimony of the witnesses and the handwritten suicide note that clearly mentions that her husband (present applicant), sister-in-law, mother-in-law, and Pankaj Sharma were responsible for her death by suicide. She mentions in her suicide note that her husband had illicit relations with his sister-in-law (Bhabhi) and because of the aforesaid relationship, the husband was planning to divorce the deceased. The suicide note has been forensically verified to be in the writing of the deceased Pratima, and other evidence, including the complaint dated 06.05.2024 and 10.05.2024, made by the deceased.

8. It was further submitted that the punishment under Section 304-B of the IPC and corresponding Section 80 of the Bharatiya Nyaya Sanhita, 2023 (BNS) is of not less than 7 years but may extend to imprisonment for life. It is thus contended that, bearing in mind the gravity of the offence, the applicant will not be enlarged on bail.

9. This Court has considered the submissions advanced by counsel for the parties and has perused the record.

10. The jurisprudence regarding the grant of bail in heinous offences, particularly dowry deaths, is well settled. The Supreme Court in **Prasanta Kumar Sarkar v. Ashis Chatterjee**¹ has highlighted parameters to be considered while granting bail, which perhaps include evaluating the prima facie case, the nature and gravity of the accusation, the severity of the

¹ (2010) 14 SCC 496



punishment upon conviction, and the probable threat of justice being tampered with by granting bail. The relevant para-

11. *We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (1) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.*

12. The death had occurred within a period of 7 years and Section 304-B of the IPC would provide that where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. It is thus seen that if a married woman dies in unnatural circumstances, within seven years of her marriage, and there are allegations of cruelty or harassment upon such married woman, for or in connection with demand of dowry, by the husband or relatives of the husband, the case would squarely fall within the definition of dowry death.

13. A careful perusal of the forensically verified suicide note reveals



grave and specific allegations against the applicant. There is explicit mention of the names, including that of the accused and other along with allegations specified to them. Further, the complaints filed by the deceased on 06.05.2024 and 10.05.2024 establish a compelling Prima facie connection to her suicide on 02.07.2024. There is a strong link between the complaints and the act, and that cannot be ignored. As held by the Supreme Court in ***Kans Raj v State of Punjab***,² the phrase “Soon before the death” is discussed; the relevant para is stated under-

15. It is further contended on behalf of the respondents that the statements of the deceased referred to the instances could not be termed to be cruelty or harassment by the husband soon before her death. "Soon before" is a relative term which is required to be considered under specific circumstances of each case and no straitjacket formula can be laid down by fixing any time-limit. This expression is pregnant with the idea of a proximity test. **The term "soon before" is not synonymous with the term "immediately before" and is the opposite of the expression "soon after" as used and understood in Section 114, Illustration (a) of the Evidence Act. These words would imply that the interval should not be too long between the time of making the statement and the death. It contemplates the reasonable time which, as earlier noticed, has to be understood and determined under the peculiar circumstances of each case. In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. If the cruelty or harassment or demand for dowry is shown to have persisted, it shall be deemed to be "soon before death" if any other intervening circumstance showing the non-existence of such treatment is not brought on record, before such alleged treatment and the date of death. It does not, however, mean that such time can be stretched to any period. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution.** The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.

² (2000) 5 SCC 207



14. On the issue of parity, the case of the applicant cannot be and must not be equated with that of his mother and brother. The specific allegations made in the suicide note regarding the alleged affair of the applicant with his Bhabhi, and the direct threat of divorce may have been the additional reason for harassment of the deceased, but it cannot be said that there was no harassment on account of non-fulfilment of the demand of dowry, therefore, the allegations of demand of dowry, at this stage, cannot be fully brushed aside. The instances of the same can be traced from the material on record, such as an FIR, Status Report, Chargesheet and other documents on record, which include the statements made by the witness. The mother stated in her statement that *after a month of marriage, Pratima's husband Rohit Sharma and her mother-in-law Mamta started having disputes with Pratima. After a few days, Pratima's mother-in-law Mamta and husband Rohit started demanding dowry from her, and when the dowry demand was not met, they started beating Pratima. Pratima's mother-in-law used to give more importance to Pratima's sister-in-law Neha. Whenever Pratima said something, her mother-in-law used to say that if you want to be equal to Neha, you will have to bring equal things from your house. Pratima's in-laws repeatedly demanded a sofa, a gold ring, a refrigerator, an LCD TV, a chest, and other items. Her mother-in-law, sister-in-law, and husband would beat her over trivial matters*

15. The witnesses, Ms. Kajal, sister of the deceased, supported the same contentions and stated in her statement that - *After a month of marriage, my sister Pratima's husband and her mother-in-law started having disputes with Pratima. After a few days, Pratima's husband and mother-in-law started*



demanding dowry from her, and when the dowry demand was not met, they started beating Pratima. Pratima's mother-in-law used to give more importance to Pratima's sister-in-law, Neha. Whenever Pratima said something, her mother-in-law used to say that if you want to be equal to Neha, you will have to bring equal things from your house. Pratima's mother-in-law repeatedly demanded a sofa, a gold ring, a refrigerator, an LCD TV, a chest, and more. Her mother-in-law, sister-in-law, and husband, Rohit Sharma, would beat her over trivial matters.

16. Also, the record that Ms. Pratima had given a complaint at PS Shahbad Dairy; one MLC vide no. 2492/2024 was done at Maharshi Valmiki Hospital, Pooth Khurd, New Delhi 39, and one Non-cognizable report vide no. 0047/2024 dated 10.05.2024 was registered on her complaint in PS Shahbad Dairy, New Delhi

17. Which directly relates the matter to the said allegations, to which the investigating officer concluded: *From the investigation conducted so far, there is insufficient evidence against accused person Rohit Sharma s/o Sh. Banwari Lal Sharma (mentioned in column no. 11) to charge-sheet him for the offences punishable u/s 80/85/3(5) BNS. Therefore, the present charge-sheet against accused person Rohit Sharma s/o Sh. Banwari Lal Sharma (mentioned in column no. 11) has been prepared for the offences u/s 80/85/3(5) BNS.*

18. Bearing in mind the overall facts and circumstances of the case, specifically the short duration of the marriage, the evidence of PW-1 and PW-2, the suicide note, and the severity of the punishment, this Court is not inclined to enlarge the applicant on regular bail.

19. The application is rejected. Pending application also stands disposed



of.

20. The applicant, however, is at liberty to move the application after a lapse of some more time.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 20, 2026

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