

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1338 OF 2025

Sumit Dattatray Hunbe

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul Kasliwal a/w Mr. Mihir Kasliwal and Mr. Mahesh Pawar,
learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

Mr. Ajinkya Taskar (Through VC), learned Advocate for Respondent No.
2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th JULY 2025.

P.C. :

1. Heard Mr. Rahul Kasliwal, learned Advocate for the Applicant, Ms. Veera Shinde, learned A.P.P. for the State/Respondent and Mr. Ajinkya Taskar, learned Advocate for Respondent No. 2.

2. Applicant (Accused No. 1) in Crime No. 744 of 2024, registered with Panchawati Police Station, District-Nashik for the offences punishable under Sections 80 and 85 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short), is before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), seeking regular bail. Said crime is registered as Sessions Case No. 206 of 2025 and is pending before the Court of Special Judge and Additional Sessions Judge-5,

Nashik.

3. There are 3 accused persons in the present crime.

4. Case of the prosecution is that the Nandini Sumit Humbe (“Nandini”) was the wife of the Applicant, daughter-in-law of Accused No. 2 and sister-in-law of Accused No. 3. Nandini was married to the Applicant on 14th December 2022. Prosecution case is that Nandini after her marriage, was subjected to cruelty by the family of her in-laws. In the month of October 2024, Applicant intended to purchase a new flat at Gangapur Road for Rs. 70,00,000/-, as such Applicant demanded money for purchasing the flat from his father-in-law (Complainant). Nandini committed suicide on 9th December 2024 by hanging herself at the matrimonial home.

5. Applicant was arrested on 27th December 2024, since then he is in jail. Criminal Bail Application No. 395 of 2025 filed by the Applicant was rejected by the learned Special Judge and Additional Sessions Judge-5, Nashik by order dated 17th March 2025.

6. Mr. Rahul Kasliwal, learned Advocate for the Applicant submits that the charge-sheet does not make out any case of either demand of dowry or any case under Section 304-B of the Indian Penal Code, 1860. He submits that the Applicant or for that matter other accused persons, were not even at the matrimonial home at the time of Nandini committing suicide. He submits that the complaint does not make out any case of demand of dowry or a case of harassment to Nandini on account of non-fulfillment of the demand. He submits that the Post-mortem Report of Nandini does

not show any injuries. He refers to page nos. 89 to 93 of the paper-book, i.e., the photographs and submits that Nandini is seen happy and enjoying in the company of the Applicant and his family members. He specifically emphasises that the photographs which were taken in the month of November 2024, do not indicate any sign of cruelty or physical harassment to Nandini at the hands of Applicant or his family members. He points out to page nos. 96 to 105 of the paper-book to contend that the Applicant has been sending money to Nandini as and when required by her. He submits that there is a delay of five days in filing the First Information Report and there is no explanation for such delay.

7. Ms. Veera Shinde, learned A.P.P. for the State/Respondent submits that complaint by the father of Nandini clearly states that the Applicant had intention to purchase a flat and as the Applicant was not in a position to pay the entire amount, had made a demand of money to the Complainant, which demand would amount to a demand of dowry. She submits that the complaint makes a reference to the incidents wherein Nandini was subjected to domestic violence in the year 2023. She submits that a friend of Nandini has given her statement, in which she has made reference to Nandini referring to domestic violence at the hands of the Applicant.

8. Mr. Ajinkya Taskar, learned advocate for Respondent No. 2 submits that the complaint spells out a case of demand of dowry by the Applicant. He by placing reliance on the complaint dated 13th December 2024, submits that the demand of money made by the Applicant in the month of October 2024 for purchase of flat, would

qualify to be the demand in terms of the definition of “Demand” under Section 2 of the Dowry Prohibition Act, 1961. He submits that demand of money for purchase of property at the time of marriage or at anytime after the marriage, would amount to a demand of dowry. He submits that such demand in the present case has been made by the Applicant. He by referring to the statement of Rahul Prakash Kadam (brother of Nandini) submits that the Applicant informed Rahul that Nandini is not responding to his call and therefore, Rahul should go to the flat and check the reason for Nandini not responding to the call, creates a doubt on the Applicant. To clarify, he submits that a prudent husband in such event would have himself gone to his house to verify and not requested his brother-in-law to verify the position. He relies on the following decisions of the Hon’ble Supreme Court in the cases of :-

- a. *State of Madhya Pradesh v/s. Jogendra and Another*¹;
- b. *Raminder Singh v/s. State of Punjab*²;
- b. *Rajinder Singh v/s. State of Punjab*³ and
- c. *Shabeen Ahmad v/s. State of Uttar Pradesh and Another*⁴.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. In the case of *Shabeen Ahmed (supra)*, the Hon’ble Supreme Court in paragraph nos. 17 and 18 has observed as under :-

1 (2022)5 Supreme Court Cases 401.

2 (2014)12 SCC 582.

3 (2015)6 SCC 477.

4 (2025)4 Supreme Court Cases 172.

“17. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the respondent-accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty-bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated : when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness.

18. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalising a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar v. Waseem [Ajwar v. Waseem, (2024) 10 SCC 768 : (2025) 1 SCC (Cri) 320] in the following paras : (SCC pp. 783-84, paras 26-28).”

11. Guided by the observations of the Hon’ble Supreme Court, I proceed to consider the present Bail Application. Crime No. 744 of 2024 is registered with Panchawati Police Station, District-Nashik on the basis of the complaint dated 13th December 24 lodged by Prakash Dnyandev Kadam (father of Nandini). Sum and substance of the complaint in the context of the allegations of dowry death are extracted hereinbelow :-

“सन २०२४ ऑक्टोबर महिन्यामध्ये नंदिनीने मला फोन करून सांगितले की, आम्ही गंगापूर रोड येथे राहण्यासाठी नवीन फ्लॅट बघत आहे. त्यानंतर डिसेंबर महिन्याचे सुरुवातीस नंदिनीने मला फोन करून सांगितले की, जावयांनी तुम्हाला

त्यांच्या दुकानात बोलाविले आहे. तेव्हा मी त्यांचे दुकानात गेलो असता, जावयांनी सांगितले की, आम्ही गंगापूर रोड येथे सत्तर लाखांचा टू बीएचके फ्लॅट बघितला आहे, माझी सफारी गाडी विकून मी तो फ्लॅट घेणार आहे, तुम्ही फ्लॅट घेण्यासाठी पैसे द्या, परंतु नंदिनी मला विरोध करित आहे. तेव्हा नंदिनी मला म्हणाली की, माझा फ्लॅट घ्यायला विरोध नाही, मी पतीला म्हणाले, तुम्ही गाडी विकु नका, थोड्या कमी खर्चात फ्लॅट घ्या असे म्हणाली.”

12. Provisions of Section 304-B of the IPC reads as follows :-

“304-B. Dowry death. - (1) 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.

(emphasis supplied)

Explanation. - For the purposes of this sub-section, “dowry” shall have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

13. Reading of the complaint dated 13th December 2024, more particularly the contents of the said complaint pertaining to the incident of the month of October 2024, extracted hereinabove, do not qualify and/or satisfy the ingredients of the definition of “Dowry” under the provisions of Section 2 of the Dowry Prohibition Act, 1961.

14. There is no material on record to indicate that before the death of Nandini, she being subjected to cruelty or harassment by the Applicant or any relative of the Applicant for, or in connection with, any demand for dowry. There is no whisper of any complaint against the Applicant or any other family members of the Applicant before the institution of the present crime.

15. On a specific query to Ms. Veera Shinde, learned A.P.P. and Mr. Ajinkya Taskar, learned advocate for Respondent No. 2 as to ‘whether from the month of October 2024 till the date of the unfortunate incident, there was any complaint made by Nandini or any of her family members against the Applicant making any demand for dowry or Nandini complaining about any harassment or cruelty at the hands of either the Applicant or his family members?’, they answered in negative.

16. The Hon’ble Supreme Court in the case of *Jogendra (supra)* in paragraph no. 17 has held as under :-

“17. In the above context, we may usefully refer to a recent decision of a three-Judge Bench of this Court in Gurmeet Singh v. State of Punjab [Gurmeet Singh v. State of Punjab, (2021) 6 SCC 108 : (2021) 2 SCC (Cri) 771] that has restated (at SCC pp. 111-12, para 9) the detailed guidelines that have been laid down in Satbir Singh v. State of Haryana [Satbir Singh v. State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745], both authored by N.V. Ramana, C.J. relating to trial under Section 304-BIPC where the law on Section 304-BIPC and Section 113-B of the Evidence Act has been pithily summarised in the following words : (Satbir Singh case [Satbir Singh v. State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745] , SCC p. 13, para 38)

“38.1. Section 304-BIPC must be interpreted keeping in mind the legislative intent to curb the social evil of bride burning and dowry demand.

38.2. The prosecution must at first establish the existence of the necessary ingredients for constituting an offence under Section 304-BIPC. Once these ingredients are satisfied, the rebuttable presumption of causality, provided under Section 113-B of the Evidence Act operates against the accused.

38.3. The phrase “soon before” as appearing in Section 304-BIPC cannot be construed to mean “immediately before”. The prosecution must establish existence of “proximate and live link” between the dowry death and cruelty or harassment for dowry demand by the husband or his relatives.

38.4. Section 304-B IPC does not take a pigeonhole approach in categorising death as homicidal or suicidal or accidental. The reason for such non-categorisation is due to the fact that death occurring “otherwise than under normal circumstances” can, in cases, be homicidal or suicidal or accidental.”

17. Post-mortem Report of Nandini does not show any injuries on Nandini, as submitted by Mr. Rahul Kasliwal. Learned Advocate for the Applicant. *Prima facie*, from the material on record, the death of Nandini cannot be termed as “not under normal circumstances” as envisaged under Section 304-B of IPC. Ingredients of Section 304-B of the IPC do not stand fulfilled.

18. Other accused persons, i.e., mother-in-law and sister-in-law of Nandini have been granted pre-arrest bail.

19. In view of the above, the Applicant is entitled for bail. The present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in

connection with Crime No. 744 of 2024 registered with Panchawati Police Station, District-Nashik for the offences punishable under Sections 80 and 85 read with 3(5) of the BNS on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Special Judge and Additional Sessions Judge-5, Nashik.

- b. Applicant shall not contact or attempt to contact Complainant or any of the family members of Nandini.
- c. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- d. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 206 of 2025 and shall regularly attend the hearing of the said case pending before the Special Judge and Additional Sessions Judge-5, Nashik, unless exempted from appearance.
- f. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the

Investigating Officer, Panchawati Police Station, District-Nashik and shall keep the same updated, in case of any change thereto.

- g. Applicant shall deposit/surrender his passport, if any, before the Investigating Officer, Panchawati Police Station, District-Nashik, within a period of three days from his release.

20. It is clarified that the observations made in this order are limited to the adjudication of the present Bail Application. Trial Court to decide the subject matter of Sessions Case No. 206 of 2025 on its own assessment of evidence, uninfluenced by any observations made herein.

21. Criminal Bail Application No. 1338 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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