

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4747 OF 2025**

Indubai Kalu Chavan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sanjay Prabhakar Shinde, for the Applicant.

Ms. Manisha R. Tidke, APP for the Respondent-State.

Mr. Annasaheb Dighe, PSI attached to Yeola Taluka Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 22nd DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks her enlargement on bail in connection with FIR No. 242 of 2025 dated 22nd June 2025 registered with the Yeola Taluka Police Station, Nashik Rural for the offences punishable under Sections 80(2), 108 and 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The First Informant is the uncle of the deceased-Sonali. The case of the prosecution, as discerned from the statement of the First Informant, is that the deceased and the Applicant's son, Amol Kalu Chavan, were married on 26th April 2024 as per Hindu rites and rituals. In 2021, the deceased's father passed away. It is alleged by the First Informant that Sonali's parents had given all the necessary utensils, household articles and jewellery, as demanded by the Applicant's family, at the time of her marriage. After a few days of the marriage, the deceased confided in the First Informant that the Applicant and her son, i.e, the deceased's husband, had started treating her with cruelty and they were continuously demanding money for purchasing a car and agricultural land from her. She tried to tell them that it is not possible, as her father had expired and her family had already given her whatever they could at the time of her marriage. In addition to the First Informant (Uncle of the deceased), she had also confided in her brother, sister-in-law as well as her cousin namely, Bharatbhau, about the harassment meted out to her. She had

also shared with them that the Applicant and her son had refused to take her to hospital when she was unwell. On the contrary, they continued their demand for money for purchasing a car and agricultural land. On 18th January 2025, the deceased delivered a baby girl. The deceased had come to her maternal house for the delivery. Thereafter, in February 2025, her in-laws, i.e., the Applicant and her son took her back to the matrimonial home. Thereafter, on account of the death of Sonali's grand-father, she again came to her maternal house and was there till the final rites of her grand-father were performed. Thereafter, she again returned to her matrimonial home.

3. On 20th June 2025, at around 4.00 a.m., the First Informant received a phone call from Sonali's husband (Accused No.1) that Sonali was missing and was not found in her room. The First Informant and some family members rushed to her matrimonial house and joined the search for Sonali. She was not found anywhere. They also sent a diver in

the well, behind Sonali's matrimonial house, to look for her but, she was not found anywhere. After a period of 2 days, her body was found floating on the surface of the well. The Post-mortem report records the cause of Sonali's death as "*Post mortem findings consistent with death due to drowning, evidence of head injury noted*". Thus, the FIR against the Applicant and her son was registered and they were arrested.

4. The Applicant filed an application seeking bail before the Additional Sessions Judge, Yeola. However, by order dated 3rd November 2025, her bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

5. Mr. Sanjay Shinde, learned counsel appearing for the Applicant, submits that Section 80 of the BNS provides that for the offence to be categorized as 'Dowry Death', it has to be shown that '*soon before her death*', the deceased was subjected to cruelty or harassment by her husband or any relatives of her husband. He submits that the deceased Sonali was in her maternal home for 13 days on account of her

grand-father's death and she returned to her matrimonial home only around 8th June 2025. He thus, submits that the cruelty as alleged in the FIR was not caused to her '*soon before her death.*' He further submits that there is no specific allegation made against the Applicant that she harassed the deceased. Thus, there is no material to show proximity of the alleged harassment with Sonali's death. He also submits that statements on record, are that of Sonali's uncle, cousin and mother and there is no corroboration from the neighbors that the Applicant was harassing the deceased. She was found missing from 20th June 2025 and the FIR was filed only on 22nd June 2025. Hence, he submits that there is two days' delay in registering the FIR. He has also placed reliance on two decisions of the Supreme Court namely, ***Kans Raj v. State of Punjab and Others***¹ and ***Jagdishraj Khatta v. State of Himachal Pradesh***² to argue that there has to be a proximate or live link between the course of conduct relating to cruelty or harassment in connection with dowry demand and the

1 (2000) 5 SCC 207

2 (2019) 9 SCC 248

consequential death. He has also relied on an order of this Court (*Coram: Madhav J. Jamdar, J.*) dated 9th September 2025 passed in Anticipatory Bail Application No.2443 of 2025, where a mother-in law in similar circumstances, according to Mr. Shinde, was granted anticipatory bail.

6. Ms. Manisha Tidke, learned APP representing the State in the matter, on the other hand, opposes the Bail Application. She submits that ingredients of Section 80 of the BNS are fulfilled. She has also pointed to the statements of 3 witnesses, which are consistent with the statement of the uncle even in the FIR. She submits that the deceased was harassed to such an extent that she was constrained to commit suicide, by jumping into the well. She also submits that there is no delay in registering the FIR since, from 20th June 2025, the relatives of the deceased as well as her in-laws were searching for her and she was discovered only on 22nd June 2025 after which, immediately the FIR was registered. She submits that the facts of the case in the decisions relied

on by the learned counsel for the Applicant, do not apply to the facts in the present case. She thus, submits that the Bail Application be rejected.

7. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. Recently in the matter of *Yogendra Pal Singh v. Raghvendra Singh Alias Prince & Anr*³, the Supreme Court, in a matter relating to dowry death, observed that dowry death is not merely an offence against an individual but a crime against the Society at large. The Court cannot lose sight of the fact that marriage, in its true sense, is a sacred and noble institution founded on mutual trust, companionship and respect. This pious bond has regrettably been reduced to a mere commercial transaction. The evil of dowry though often sought to be camouflaged as gifts or voluntary offerings, has in reality become a means to display social status and satiate material greed.

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9. A plain reading of the FIR clearly indicates that the deceased Sonali, was repeatedly informing her uncle, mother and cousin as well as other family members about the harassment meted out to her by the Applicant and her son. She specifically confided in them that her husband and his mother, i.e., the Applicant herein, were demanding money to purchase agricultural land and a car. She was not being taken to the hospital during her pregnancy and even after the baby girl was born. Even after returning to her matrimonial house after her delivery, she was harassed. There is a small newly born baby girl, who is left motherless because of the harassment meted out by the Applicant and her son to the deceased. The cruelty and harassment for dowry was to such an extent that the deceased threw herself into a well and died of drowning. 'Soon before her death', as argued by Mr. Shinde, is a concept, which has to be interpreted on the basis of facts and circumstances of each case. Only because the deceased was in her maternal home for a period of 13 days to attend the last rites of her grand-father, the cruelty inflicted by

the Applicant and her son is not wiped out. In fact, after the last rites were over, Sonali returned to her matrimonial home on 8th June 2025, after which she was once again harassed for property. The harassment was obviously to such an extent that she had to leave her baby girl and commit suicide by jumping into a well. There is a live link between the harassment and the act of committing suicide by deceased Sonali. I have gone through the decisions cited by Mr. Shinde. The facts and circumstances in the cases before the Supreme Court are quite distinct from the facts and circumstances of the present case. There is a direct allegation against the Applicant that she and her son, i.e., the deceased's husband were continuously making demands of dowry and since these demands were not fulfilled, they were ill treating the deceased, including refusing to take her to the hospital during her pregnancy.

10. In these circumstances, it *prima facie* appears that the Applicant has committed the said crime. She was arrested only on 23rd June 2025 and the punishment for the said

offence is imprisonment for a term not less than 7 years, but which may extend to imprisonment for life. Hence, her incarceration cannot be termed as a 'prolonged incarceration'.

11. In these circumstances, I am not inclined to enlarge the Applicant on bail, at this stage. However, the Applicant is at liberty to renew her prayer for bail after a period of 1 year, if there is no substantial progress in the trial within that period.

12. The Bail Application is rejected and accordingly, stands disposed of.

13. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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