



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.503/2025**

ANSHUMAN KAMLESH SHUKLA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. S. B. Deshmukh for the applicant.
Mr. A. S. Patil, APP for State.
Mr. S. P. Dighe for the complainant.
API S. B. Ahire, Deolali Camp Police Station, Nashik.

CORAM : RAJESH S. PATIL, J.
DATE : FEBRUARY 21, 2025.

P.C. :

1. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the First Information Report (FIR) No.7/2025 registered with Deolali Camp police station, Nashik, for the offence punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. It is the case of the prosecution that the informant's daughter committed suicide within a period of less than 5 years of the marriage. Before marriage, there was 'Tilak' ceremony on 19/2/2020 and at that time there was demand for dowry from the applicant-husband and his parents including sister of the applicant. There was also a demand for XUV 500 car. The informant was an Army man,

who paid a sum of Rs.2,50,000/- as per the demand made by the parents of the applicant in the account of Aunty of the applicant and Rs.5,50,000/- was paid by cash. The bank entries show that the said cash was deposited in the account of Aunty. Therefore, according to the informant, an amount of Rs.8,00,000/- was paid on 19/2/2020 in the bank account of the Aunty. Also, on the same day, i.e., on 19/2/2020, an XUV 300 car was purchased in the name of the applicant's mother. The said car was brought at the venue of the 'Tilak' ceremony on 19/2/2020. After the marriage, the informant's daughter was continuously harassed for money. When she gave birth to a baby boy, she was once again harassed due to the baby's dark features. Before her death, she repeatedly informed her parents about the harassment she faced from her husband and in-laws as they demanded more dowry. Furthermore, the applicant's parents also pressurise the deceased, stating that they would arrange the applicant's second marriage if more dowry amount is not paid for purchasing flat. Ultimately, on the unfortunate day, i.e., 23/12/2024, the mother of the deceased called her. At that time, the deceased told her that it was difficult for her to survive due to such harassment. Thereafter, the informant was informed by the husband of the deceased daughter that the deceased has committed suicide. It is

further stated in the FIR that on the unfortunate day when the deceased committed suicide, her husband was present in the house. Accordingly, an FIR has been lodged.

3. The learned counsel for the applicant submits that after the unfortunate incident, the applicant had participated in the last rites of the deceased along with his in-laws. There is a delay of 23 days in lodging the FIR. The ingredients of Section 108 of the BNS are not carved out. The learned counsel for the applicant has placed reliance on the Supreme Court decisions in *Jayedeesinh Pravinsinh Chavda & ors. vs. State of Gujarat*¹ and *Naresh Kumar vs. State of Haryana*² to support his submissions. The learned counsel further submits that the applicant is a Army man and there is no apprehension that he will run away. The applicant is ready to co-operate with the investigation.

4. The learned APP appearing for the State submits that the offence occurred within seven years of the marriage; therefore, there is a presumption of abetment to suicide as contemplated under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023. The learned counsel submits that the applicant is absconding with his two and a half year old son. The dupatta, alleged to have been used while

1 (2025) 2 SCC 116

2 (2024) 3 SCC 573

committing suicide, has not been found. The husband of the deceased was in the house when the said act of suicide was committed. Even though the other co-accused have been granted interim protection by the Sessions Court, their matter is fixed on 25/2/2025. The learned APP submits that the Public Prosecutor in the Sessions Court will oppose the application of the other co-accused on the next date of hearing. The learned APP submits that as per the information of the I.O., the present applicant has been shown as admitted in the Army Hospital "Ashwini", Colaba, Mumbai, from 9/2/2025. However, the Army personnel are not co-operating the I.O. to conduct proper enquiry. The applicant is not co-operating with the police, therefore, his custody is necessary.

5. The learned counsel for the informant submits that a sum of Rs.8,00,000/- was paid on the 'Tilak' ceremony (Engagement Ceremony) to the aunty of the applicant as per the request made by the applicant and his parents to enable them to purchase XUV car. The said car was purchased on the same day i.e. on 19/2/2020. After marriage, there was continuous communication between the deceased and her parents, as well as her cousin, in which she informed them of ongoing harassment for dowry. She also mentioned that she was being threatened that if the money was not paid, her

husband would marry someone else for the second time. The applicant is absconding and is not cooperating with the police. Even the dupatta by which her body was hung has not been found. The incident occurred in the Army quarters. The applicant's colleagues are supporting him, making it difficult for the police to conduct a proper investigation. The learned counsel for the informant submits that the deceased committed suicide solely due to the harassment she endured. He submitted that the circumstances suggest the deceased may have committed suicide, or there could be other factors to be uncovered through a proper investigation. In this regard, the custody of the applicant is necessary, as he was present in the house when the deceased lost her life.

6. I have heard the learned counsel for the parties and with their assistance I have gone through the documents on record.

7. Section 117 of the Bharatiya Sakshya Adhiniyam assumes presumption of the abetment of suicide by a woman within a period of seven years of marriage. Section 117 reads as under:-

117. Presumption as to abetment of suicide by a married woman. - When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband

or by such relative of her husband.

Explanation.— For the purposes of this section, "cruelty" shall have the same meaning as in section 86 of the Bharatiya Nyaya Sanita, 2023.

8. In the present case, the marriage was solemnized on 26/2/2020. The deceased has lost his life on 26/12/2024. Therefore, the death of the married woman is within seven years of marriage. A child was born out of wedlock. According to the prosecution, the deceased took drastic measures due to harassment and committed suicide. In the present case, the lady has not even considered the future of her son, although there is a specific argument on behalf of the applicant that the circumstances under which the body of the deceased was found do not indicate suicide, but something else. This can only be determined by the prosecution once the applicant supports a proper investigation.

9. At the engagement ceremony, there was a demand of dowry for buying a car. It is on record that a sum of Rs.8,00,000/- were paid and the car was purchased on the same day in the name of the mother of the applicant, who is also the accused in the present FIR. Both the judgments referred by the applicant of the Supreme Court are at the stage of appeal after the trial has been committed and the judgment being passed. In the present proceedings, I am dealing with

the anticipatory bail application where the charge-sheet is yet to be filed. The applicant is not at all cooperating with the investigation. The dupatta to which it has been said that the informant's daughter had committed suicide has not been found. Taking into consideration the entire facts, going through the statements made which are attached to the FIR, I find no case is made out at this stage to grant any relief to the applicant. Hence, **the anticipatory bail application is rejected** and disposed of accordingly.

(RAJESH S. PATIL, J.)