

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 707 OF 2025

**Jayawanti Janardhan Adhikari
alias Ratna Janardhan Adhikari & Anr.**

..... Applicants

VERSUS

State of Maharashtra

..... Respondent

Ms. Neeta Karnik, Senior Advocate i/b. Ms. Sharwari Charles Lopes for
the Applicants.

Mr. Amit A. Palkar, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 13th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with Crime No. 296/2024 dated 22nd September, 2024 registered with Shahapur Police Station, Thane Rural for the offences punishable under Sections 108, 80(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS).

2. It is the case of the prosecution that the accused persons are the in-laws of the first informant's daughter (now deceased). The

daughter of the first informant, in six months of her marriage, due to the constant harassment of the husband and in-laws' on her character and taunting her frequently, and also asking her about when her parents will receive the compensation amount of the land acquired under the project of bullet train will be available, hence, being mentally and physically harassed she committed suicide. All the accused have abetted her to commit suicide. Therefore, an FIR has been lodged.

3. The accused no.1 – husband of the deceased daughter of the informant, has been arrested and granted regular bail. The accused no.2 being father-in-law of the deceased daughter, was also arrested and granted regular bail. The absconding present applicants are mother-in-law and unmarried brother-in-law of the daughter of first informant. As per the FIR, the offences has been registered under **Sections 108 – abetment of suicide** and **Section 80(2) – whoever commit suicide dowry death** and Sections 352 and 3(5) of the BNS Act.

4. The daughter of first informant had got married to the son of the applicant no.1 on 17th March, 2024 and on 22nd September, 2024, it is alleged that she committed suicide in her matrimonial home in

morning hours. The said fact was informed to the first informant by the applicant no.2.

5. On behalf of the applicants, Ms. Karnik, senior counsel submitted that the applicant no.1 is the mother-in-law who has no role to play in the suicide committed by the deceased daughter of the first informant. She is a lady of 58 years of age and is a home-maker. The applicant no.2 is the brother-in-law of the deceased daughter of the first informant who is working in the BMC and is unmarried. Even he has no role to play in the incident in which the crime is reported. It is submitted that on bare reading of the FIR, the provisions of Section 80(2) of the BNS Act are not attracted, as there is no demand of dowry.

6. It is further submitted that the Supreme Court in the judgment of *Kamaruddin Dastagir Sanadi vs. State of Karnataka, 2024 SCC OnLine SC 3541* has held in paragraphs 18, 19, 20, 30 and 31 that the what has to be seen that while considering the provisions of Section 306, whether there was any kind of misbehaviour on the part of the accused. The applicants are ready to co-operate with the police and there is nothing to be recovered in the present proceedings. The applicants are ready to co-operate with the Investigating Officer.

7. The learned A.P.P. submits that the deceased has committed suicide within a period of six months of her marriage. The deceased as per the FIR used to continuously call her parents and inform about the ill treatment being caused by the husband and in-laws. It is further stated in the FIR that the in-laws including the applicant no.2 who used to constantly ask the first informant's daughter as to when the monies would be received as compensation by her parents from the land, which has been acquired with project of bullet train. In the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, similar facts have been repeated and it has been further stated that the deceased had told her in-laws that she will not ask even a single rupee from her parents for the compensation received by them under the project of bullet train.

8. It has been further stated that Sections 117 and 118 of the Evidence Act and Section 80(1) of the BNS Act makes it clear that if the death of the woman has occurred within seven years of her marriage and before her death, she was subjected to cruelty or harassment by her husband and his relatives for, or in connection with any demand for dowry, her death shall be called as dowry death and the husband and the relatives shall be deemed to have been caused

her death.

9. The learned A.P.P. buttresses his submissions and relied upon recent judgment of the Supreme Court passed in case of ***Shabeen Ahmad vs. State of Uttar Pradesh & Anr., reported in 2025 SCC OnLine SC 479***. He submits that the investigation is in progress and the custody of the present applicants would be necessary for completing the investigation.

10. I have heard learned counsel for both sides and have considered the FIR, the statements recorded under Section 164 of the Code of Criminal Procedure, 1973 and other documents shown to me by both the parties.

11. There is no dispute that the daughter of the first informant has died in six months of her marriage. The allegations in the FIR clearly mentions the role of her husband and her in-laws including the present applicants. The applicant no.2 is a brother-in-law of the deceased. The applicant no.2 is unmarried and was residing with his parents and his elder brother and with the deceased daughter of the first informant.

12. It is stated in the FIR that there was a taunting on the character of the deceased daughter. She was abused physically and mentally

and she was repeatedly asked as to when her parents would receive the compensation amount of the land acquired for the project of bullet train. The statements under Section 164 of the Code of Criminal Procedure, 1973 has been recorded which states about the demand being made by the husband and in-laws including both the applicants. It clearly states that the in-laws including the present applicants used to constantly ask the deceased when her parents are going to receive the compensation amount for the land acquired for bullet train.

13. It is further stated that the deceased had specifically told them that she is not going to ask for any money from her parents. This according to me is suffice at this *prima-facie* stage to hold that there was demand of dowry as contemplated under Section 80(2) of BNS Act, and I am satisfied that at this stage, the provisions of Section 108 of the BNS Act are attracted.

14. As regards, the judgment of Supreme Court in case of ***Shabeen Ahmad*** (supra) delivered on 3rd March, 2025, in paragraph no.15, the Supreme Court has observed the recent trends of High Court granting the bail in dowry matters. Paragraphs nos. 15 and 17 of the said judgment read as under :-

15. 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. 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 normalizing 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 (2024) 10 SCC 768*** in the following paras:

“ 26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : [Chaman Lal v. State of U.P.](#) [[Chaman Lal v. State of U.P.](#), (2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; [Kalyan Chandra Sarkar v. Rajesh Ranjan](#) [[Kalyan Chandra Sarkar v. Rajesh Ranjan](#), (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; [Masroor v. State of U.P.](#) [[Masroor v. State of U.P.](#), (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; [Prasanta Kumar Sarkar v. Ashis Chatterjee](#) [[Prasanta Kumar Sarkar v. Ashis Chatterjee](#), (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; [Neeru Yadav v. State of U.P.](#) [[Neeru Yadav v. State of U.P.](#), (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; [Anil Kumar Yadav v. State \(NCT of Delhi\)](#) [[Anil Kumar Yadav v. State \(NCT of Delhi\)](#), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; [Mahipal v. Rajesh Kumar](#) [[Mahipal v. Rajesh Kumar](#), (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior

court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In [P v. State of M.P.](#) [[P v. State of M.P.](#), (2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under [Section 439\(1\)](#) CrPC in the following words : (SCC p. 224, para 24)

“24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [[Dolat Ram v. State of Haryana](#), (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.” Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.”

17. In view of the discussion above, we direct that the bail granted to

Accused No.2 (father-in-law) and Accused No.3 (mother-in-law) is hereby cancelled. They shall surrender before the concerned trial court/authority forthwith, failing which the authorities shall take steps to take them into custody.

[Emphasis supplied]

15. As far as the judgment of Supreme Court referred by the applicant in case of *Kamaruddin Dastagir Sanadi* (supra) is concerned, the facts in the said judgment were that there was a promise to marry and letter refused. Therefore, crime was registered under Sections 376, 417 and 306 of the Indian Penal Code. Therefore, there is a difference in facts as far as the judgment of *Kamaruddin Dastagir Sanadi* (supra) is concerned. The present proceedings are more identical like the facts stated in case of *Shabeen Ahmad* (supra) in the said judgment, there is demand of dowry like in the present proceedings. Sections 117 and 118 of the Bharatiya Sakshya Adhiniyam, 2023 read 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.

118. Presumption as to dowry death.- When the question

is whether a person has committed the dowry death of a woman and it is shown that soon before her death, such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

16. Taking into consideration, the facts of the present case and Sections 117 and 118 of the Bharatiya Sakshya Adhiniyam, Sections 82 and 108 of the BNS Act, I am satisfied that pre-arrest bail in the present proceedings should not be granted. Hence, **the present anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]