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

+ **BAIL APPLN. 391/2025**

RANI

.....Petitioner

Through: Mr. Vipin Saini and Mr. Lakshay
Saini, Advocates.

versus

STATE (GOVT.OF NCT OF DELHI)Respondent

Through: Ms. Priyanka Dalal, APP.
Mr. Naushad Ahmad Khan, Advocate
for the Complainant

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

23.04.2025

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1. The present bail application has been filed under Section 483 read with Section 528 of Bhartiya Nagarik Surkasha Sanhita [“BNSS”], 2023 on behalf of the petitioner for grant of bail in case FIR No. 0364/2024, PS Pul Prahlad Pur, under Section 80(2), 853(5) of BNSS.

2. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. There is no specific allegation against her in the FIR. It is stated that the FIR has been lodged with malicious intent, solely to rope in the in-laws family in a fit of anger. It is submitted that petitioner was not even present at the scene of incident, and she only became aware of the tragic event after returning from her shop, and it was she, who immediately with the help of her daughter and an auto driver, took her to the doctor in an effort to save her life.



3. It is also submitted that petitioner had never made any dowry demand or harassed the deceased. The allegations of dowry harassment are vague and unsubstantiated. Neither the deceased nor her family members made any complaint to the police or any other authority prior to her death.

4. It is submitted that charge sheet has already been filed, and thus, petitioner is not required for the purpose of investigation and there is no possibility of tampering with the evidence. He further states that petitioner was granted interim bail, but she did not misuse the liberty of interim bail.

5. Learned counsel further submits that petitioner is the sole bread-earner of her family and has no other source of income. She runs a small shop and her detention is causing immense financial hardship to her family. She has no previous criminal history and poses no threat to public safety, nor there is any risk of her fleeing or committing any other offence.

6. Bail application has been opposed by the learned Additional PP, supported by the learned counsel for the complainant, arguing that deceased had died within nine months of her marriage. Relying upon the postmortem report and the photographs of the victim, it is submitted that there were injuries near the eyes of the deceased, which shows that she was physically tortured before her death. It has been further submitted that the case is still at an initial stage. Even, charges have not been settled. The allegations are serious in nature, and therefore, petitioner is not entitled for grant of bail.

7. In rebuttal, learned counsel for the petitioner submits that while shifting the victim to the hospital, her head banged with a fire extinguisher, resulting in injuries on the face of the victim.

8. Petitioner is the mother in law of the deceased. Her marriage was solemnized on 18.02.2024. The incident is of 29.11.2024. The SDM



conducted inquiry into the matter and during such inquiry, he recorded the statements of the father and mother of the deceased. As per the statement of the complainant, their daughter was suffering from mental harassment because of dowry demand by her mother in law Rani (present applicant), husband Rahul and sister in law Rakhi. It is also alleged that the husband of the deceased had illicit relationship with someone.

9. Admittedly, petitioner has died under unnatural circumstances, within nine months of her marriage. The postmortem report states that the cause of death was Asphyxia, due to ante-mortem hanging. As per the statements of the parents of the victim, she was being harassed on account of dowry demand.

10. Insofar as, as presumption in law in the case of dowry death is concerned, the same is meant to act as a deterrent to the demand of dowry and to ensure that there is no victimization. The arguments of the petitioner would however be tested during the trial, and at this stage of consideration of bail, only the parameters enshrined in that regard are to be considered.

11. Admittedly, the case is still at an initial stage. Charges are yet not finalized. It is not a case of long incarceration in custody. The allegations are certainly grave and serious in nature.

12. Hence, keeping in view the nature and gravity of allegations and the severity of punishment involved, I am not inclined to grant bail to the petitioner at this stage.

13. The application is therefore dismissed.

RAVINDER DUDEJA, J.

APRIL 23, 2025/_{RM}