



2025:DHC:7251



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

Reserved on: 18.08.2025
Date of Decision: 25.08.2025

+ **BAIL APPLN. 2678/2025 & CRL.M.A. 20887/2025**

RADHA DEVI @ PAPPI

.....Petitioner

Through: Mr. Amit Chadha, Sr. Adv with
Mr. Hirein Sharma, Mr. Vimal Tyagi,
Mr. Saurabh Goel, Mr. Balaji Pathak,
Mr. Tripurari Jha, Mr. Harjas Singh,
Mr. Sanjog Singh, Mr. Dhruv Tomar and
Mr. Kartik Shoukeen, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP
for State with Mr. Aditya Vikram Singh,
Adv. with SI Mahesh, Inspr Manish Bhati,
PS Bhalswa Dairy
Ms. Gauri Singh, Adv. for Complainant

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The petitioner has approached this Court through her first application seeking grant of anticipatory bail under Section 482 of the Code of Criminal Procedure, 1973¹, read with Section 438 of the CrPC, in connection with FIR no. 215/2025 registered at Police Station Bhalswa Dairy for offences punishable under Sections 80(2), 85, and 3(5) of the Bharatiya Nyaya Sanhita, 2023².

¹ hereinafter "CrPC"

² hereinafter "BNS"



2025:DHC:7251



2. The facts surrounding the incident as per the FIR are based upon the complaint of one Mr. Jageshwar Dayal, whose youngest daughter, Ms. Pooja (aged around 22 years at the time) was married to one Mr. Shivam. The complainant was informed at around 8.00 am on 01.04.2025 by his daughter's parents-in-law that his daughter was unwell. Upon the complainant's relatives reaching his daughter's marital home, it became known that his daughter, who was three months pregnant, had committed suicide by hanging. She was rushed to BJRM Hospital where she was declared as having been brought dead.

3. The petitioner before this Court is the mother of the accused-Shivam (and mother-in-law to deceased Pooja). It has been specifically alleged that immediately after the deceased's marriage on 26.03.2023, her husband and mother-in-law would beat her and demand dowry daily – in furtherance of which ₹50,000 was paid by Jageshwar to Shivam, coupled with a promise to make more such payments in the future.

4. The incident as recorded in the chargesheet recounts that on 01.04.2025, upon the receipt of information of a death by hanging, police officers reached the matrimonial residence of the deceased in Mukundpur, Delhi, where the door of the room on the first floor was found to be locked from the inside. Upon breaking open the lock and entering the room, the deceased was found to have hanged herself from the ceiling fan by her dupatta. The body was sent for the purpose of obtaining a post-mortem report, and information regarding the incident was conveyed to the learned Sub Divisional Magistrate, Civil Lanes, as the deceased was married for a period of less than seven years. Shivam was found to be missing at this point, but upon the



2025:DHC:7251



police officer's returning to the site of the incident for further investigation on the same day, he was arrested. During his interrogation, he disclosed that upon him returning home around 7.00 am, he had seen his mother (the petitioner) attempting to open the locked door on the first floor.

5. On 02.04.2024, the father and brother of the deceased were presented before the Executive Magistrate where their statements were recorded. The post-mortem report has been affixed with a time stamp of 12.50 pm and dated 02.04.2025. The opinion attached to the report states that the cause of death was the "*combined effect of asphyxia and venous congestion consequent to ante-mortem ligature hanging*" with time of death being ascertained as 24 to 36 hours prior to the time affixed on the report.

6. The petitioner had approached the learned ASJ, Rohini Courts, for grant of anticipatory bail. The learned ASJ denied the same *vide* order dated 18.07.2025 on the grounds of the seriousness of offences alleged, the pregnancy of the deceased, and the submission of the IO that the petitioner was absconding at the time of filing of the chargesheet against the husband of the deceased. It was submitted before the learned ASJ that the petitioner has joined the investigation on various occasions and has duly cooperated with the investigation agency, which appears to be an incorrect statement.

7. On a query by the Court, it is noticed that NBWs were issued against the petitioner on 16.07.2025. The concerned IO submits that proceedings under Section 82 of the Code of Criminal procedure, 1973³, have been initiated against the petitioner and that the petitioner has been absconding to this date.

³ hereinafter "CrPC"



8. Mr. Amit Chaddha, learned Senior Counsel, appears on behalf of the petitioner, while Mr. Raghuinder Verma, learned APP, appears on behalf of the State. Ms. Gauri Singh, learned Counsel, advances arguments on behalf of the complainant.

Rival Contentions

9. Mr. Chaddha first submits that the statement made by the IO is incorrect, and that Section 82 proceedings have not been initiated against the petitioner. He then brings to this Court's attention the ingredients of the offence of dowry death, as contemplated under section 80 of the BNS, which stands reproduced below for ready reference:

“80. 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.

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.”

10. Mr. Chaddha points out that while the aspect regarding a death of a woman occurring otherwise than under normal circumstances within 7 years of her marriage stands admitted, there is no evidence to indicate that she had been subjected to cruelty/harassment by the



2025:DHC:7251



petitioner in connection with any demand for dowry “*soon before her death*”.

11. He then submits that there are no specific allegations against the petitioner in either the FIR or the chargesheet, and that the allegations contained in the FIR made by the complainant/ father of the deceased with respect to the handing over of ₹50,000/- as dowry also states that this amount has nothing to do with the petitioner, and that such amount was received by Shivam who is currently in judicial custody.

12. It is also argued that no custody of the petitioner is required as no recovery is to be effected from her, and that notwithstanding this; the petitioner is ready to join the investigation if protection to that that effect is provided.

13. On a query by this Court as to the explanation for the deceased’s suicide, neither Mr. Chaddha, nor the concerned IO, was able to provide a reasonable answer.

14. At this Juncture, Ms. Singh points out that the petitioner’s husband/deceased’s father-in-law has joined the investigation. To this, Mr. Verma adds that the mother-in-law’s custodial interrogation is especially required due to her presence outside the door of the locked room in which the deceased was found, as recorded in Shivam’s disclosure statement.

15. Both, Mr. Verma and Ms. Singh also point out that the phrase “*soon before her death*” as enshrined within Section 80 of the BNS, ought not to be construed, *stricto sensu*, as ascribing a particular time frame prior to the demise of the victim within which acts of cruelty/harassment should have taken place.

16. Lastly, in rebuttal, Mr. Chaddha points out there is not a whisper of any notice being issued to the petitioner to join the



2025:DHC:7251



investigation, and that NBW's were only issued against her *after* the filing of her application for anticipatory bail.

17. Heard learned counsel for the parties and perused the record.

Analysis

18. Mr. Chaddha, Ms. Sharma, as well as Mr. Verma have advanced submissions concerning the question of whether an offence of dowry death under Section 80 BNS has been made out. While counsel for the petitioner argues that no act of dowry harassment has been discovered soon before the deceased's demise, the counsel for the respondents argue that "soon before" ought not to be construed rigidly. This issue cannot be decided at this stage as it is a matter to be considered during trial.

19. A perusal of the FIR reveals that the petitioner's argument regarding a lack of specific allegations against the petitioner is incorrect. The petitioner and her son were specifically stated to have been involved, on and off, in beating and harassing the accused in furtherance of their demands for dowry. On the point of ₹50,000/- being paid as dowry by the complainant, the sentence immediately preceding this allegation states that such payment was a result of harassment by the petitioner and her son. An argument to the extent of saying that such payment was received not by the petitioner, but her son, and that this absolves her of any liability, is a feeble one at best.

20. Additionally, it is noticed from the contents of the FIR that the deceased was ignored by her parents-in-law for not satisfying their demands of dowry.



2025:DHC:7251



21. Following the allegations detailed in the paragraphs above, it is also pertinent to note that such payment in the form of dowry was accompanied by a promise by the complainant to make more such payments in the future. This promise was, in all likelihood, not made freely, as the FIR also records allegations that the deceased husband abused and threatened to hurt the complainant, aside from the existing pressure upon the complainant of complying with dowry demands to ensure the safety of his daughter. This speaks of an ongoing nature of dowry harassment.

22. The deceased was only 22 years of age. She had been married for just over a year and was 3 months into her pregnancy at the time of her demise. This paints a picture of a young woman with her entire life ahead of her – full of hopes and dreams and an expectation to fulfil them, or at the very least, an opportunity to attempt to do so. A new family was only a few months away from being brought into existence. A decision to end her own life, despite this, speaks volumes as to what she might have been forced to endure.

23. The Petitioner's conduct does not inspire this Court's confidence. As per the prosecution and IO, she has been absconding and has not participated in the investigation ever since the registration of the FIR.

24. An allegation of the commission of dowry death is to be considered with utmost seriousness. In consideration of this, along with the factors surrounding the victim's demise as well as the petitioner's conduct, this Court does not deem it fit, nor proper, to enlarge the petitioner on anticipatory bail at this stage.



2025:DHC:7251



25. The present petition stands dismissed. Pending applications, if any, do not survive and are disposed of accordingly.

AJAY DIGPAUL, J

AUGUST 25, 2025

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