



2025:DHC:9365



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

% ***Reserved on: 13th October, 2025***

Pronounced on: 27th October, 2025

+ **BAIL APPLN.2887/2025 & CRL.M.A.22441/2025**

SONU RATHORE

S/o Sh. Ramesh Chandra

R/o M-146, Street No.9,

3rd Floor, Shastri Nagar, Delhi-110092.

.....Applicant/Accused

Through: Mr. Kundan Chandrvanshi, Mr. Ankur
Yadav, Mr. Anuj Goswami and
Mr. Aslam Khan, Advocates.

versus

1. **STATE OF NCT OF DELHI**

Through I.O/SHO,

P.S. Sarai Rohilla.

2. **ARJUN SINGH RATHORE**

S/o Late Sh. Vinod Rathore

R/o 35/178/F1, Nagla Bhawani Singh,

Bandu Katra, Agra, Uttar Pradesh-282001.

Through his counsel

Sh. Shiva Nand Mishra, Advocate

Office : Ch. No.334, Block-D,

New Administrative Building,

Supreme Court of India, New Delhi-110001.

.....Respondents

Through: Mr. Utkarsh, APP for the State.
Mr. Shiva Nand Mishra, Advocate for
Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

BAIL APPLN.2887/2025

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J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 482 read with Section 528 B.N.S.S. has been filed on behalf of the ***Applicant, Sonu Rathore*** for grant of ***Anticipatory Bail*** in case FIR No.358/2025 dated 27.06.2025 under Sections 80(2), 85 and 3(5) of the B.N.S. registered at Police Station Sarai Rohilla, Delhi.
2. It is submitted that the Applicant is 31 years old and has no prior criminal antecedents. He is presently employed as Section Officer in Ministry of Health and Family Welfare, Government of India and is a permanent resident of Delhi. He apprehends his arrest in the present FIR which has been registered on the Complaint of Arjun Singh, brother of his deceased wife Kanchan, making allegations of dowry harassment and causing death of his wife.
3. The Applicant has joined the investigations pursuant to the directions of the learned ASJ *vide* Order dated 04.07.2025 and has cooperated during the investigations. All the relevant documents including medical records, WhatsApp chat, travel and financial records have been given to the Investigating Officer. Nothing incriminating has been found against him.
4. Despite the absence of any direct role, specific allegation or material evidence, Anticipatory Bail has been dismissed by learned ASJ on 11.07.2025 thereby exposing him to imminent arrest solely on the basis of vague, omnibus and post-facto allegations made through supplementary statements.



5. The co-accused Smt. Mithilesh Devi, the mother has already been granted Interim Protection by this Court in her Bail Application.
6. It is contended that no *prima facie* case is made out against the Applicant. Although, the FIR names him and his family members but it contains only omnibus, vague allegations attributing no specific role to him. The FIR merely gives the Applicant's relationship with no allegations in the FIR. It is only in the Supplementary statements which have been given by the witnesses, that improved and embellished allegations have been made on legal advice. These supplementary statements are completely an afterthought intending to falsely implicate the Applicant which is impermissible in law.
7. Furthermore, MLC issued by NKS Hospital, Gulabi Bagh records the *cause of death as "self fall from the third floor" with minimal injuries noted i.e an abrasion and deformity on the left elbow*. There is no sign of physical assault, strangulation or poisoning. The Post Mortem Report confirms the cause of death as *"hemorrhage and shock as a result of blunt force impact"* ruling out homicidal violence and reinforcing the accidental or suicidal nature of the fall, which negate the core ingredients of Sections 80(2) and 85 BNS.
8. Furthermore, the Applicant was not present at his residence at the time of incident, which is corroborated by the Employee's Attendance Register for the month of June, 2025 showing that he was present in the office at the time of unfortunate incident. The WhatsApp chats exchanged between the deceased and the Applicant between 12.05.2024 to 25.06.2025 also show that they had a relationship of love and affection and these chats



are entirely devoid of any complaint, tension or reference of any harassment of the deceased by the Applicant.

9. The marriage of the Applicant with the deceased was solemnized on 12.11.2024 and was in Delhi with the mutual consent of both the parties. Both sides equally contributed Rs.10 lakhs each towards the Rs.20 lakh wedding budget. Photographs show the Applicant's relatives participating in all ceremonies with joy and goodwill. The groom's family purchased jewellery worth Rs.35,206/- on 08.11.2024. The allegations of dowry demands such as Rs.1.2 lakhs, Rs.3 lakhs, Rs.80,000/-, Rs.5 lakhs in cash and Rs.2.5 lakhs for the 'Bela' ceremony, are entirely false and fabricated. Prior to the marriage, the Applicant had purchased a Tata Nexon car. The deceased's family was warmly invited to the vehicle delivery celebration, which was attended by both the families together.

10. It is claimed that they both were having cordial and happy marital relationship. To buttress these contentions, it is further stated that soon after their marriage on 12.11.2024, the deceased and the Applicant had gone for honeymoon to Andaman Island and had visited Mukteshwar, Uttarakhand and later to the native village of the Applicant, which all reflected the normal affectionate marital relationship. There are no complaints or discord and the photographs and travel records stands as a strong evidence of mutual bond and compatibility.

11. On 27.05.2025 they both watched movie which further shows their mutual cordiality. On 25.06.2025 one day before the unfortunate incident, they had gone to see a movie at Liberty Cinema, Karol Bagh which is corroborated by electronic tickets and payment bills.



12. The allegations made against the Applicant by the Complainant, in the subsequent statement under Section 180 BNSS are vague, omnibus and are result of legal advice. The investigation is flawed, biased and appears to be directed towards creating a false narrative.

13. It is submitted that there was no coercion, demand or pressure on the bride side. The equal sharing of marriage expenses by itself does not constitute an offence under Section 3(5) BNS nor can it be interpreted as a dowry transaction. The Courts have consistently held that customary gifts and shared wedding expenses without proof of coercion or unlawful demand do not attract criminal liability.

14. It is submitted that there are no specific date, time or overt act of cruelty, harassment or dowry demand mentioned in the FIR. Reliance is placed on Geeta Mehrotra vs. State of U.P., (2012) 10 SCC 741, wherein it has been held that general and bald allegations against the in-laws without precise particulars are legally insufficient and cannot be sustained.

15. An independent witness i.e. an elderly woman residing in the building opposite the matrimonial home, had witnessed the deceased accidentally falling while putting wet clothes outside the window by using a plastic chair. Despite her willingness, the IO has not recorded her statement and suppressed crucial exculpatory evidence.

16. MLC and Post Mortem Reports categorically rule out any strangulation, physical assault or poisoning. The injuries observed are consistent with the fall from a height. There is no suicide note, dying declaration, CCTV footage or any independent material linking the Applicant to the demise of the deceased.



17. It is further submitted that deceased Ms. Kanchan had a *documented history of depression* following the death of her father in December, 2024. She was undergoing psychiatric treatment at Max Healthcare and Jeevan Mala Hospital since January, 2025. These records show *diagnosis of depressive disorder with symptoms such as low mood, disturbed sleep, excessive thinking and anxiety*. The Applicant was understanding and sympathetic of the deceased's condition and supported her in whatever possible way.

18. The presumption under Section 118 B.S.A. is rebuttable in the present case. The clear evidence of the pre-existing psychiatric condition, cordial domestic relations and complete absence of any specific allegation of cruelty or demand against the Applicant. The presumptions must be weighed carefully against the facts and circumstances and cannot be substitute proof. The presumption in the present case stands fully rebutted.

19. There is no requirement of custodial interrogation of the Applicant, who has already joined and fully cooperated. He is a responsible government servant and is not a flight risk.

20. It is further submitted that there is no recovery pending against the Applicant. The mobile phone of both the deceased and the Applicant have already been seized by the I.O. The physical evidence stands collected and no role of the Applicant has emerged from the investigation till now.

21. The deceased's brothers serving in the Indian Army and Navy respectively are beyond any threat or influence, eliminating the remotest apprehension of witness tampering or intimidation, by the Applicant. The



Applicant has joined the investigation on three dates and had fully cooperated with the I.O.

22. It is submitted that there is enough contemporaneous evidence like photographs and WhatsApp chats, to show the cordial relationship between the deceased and the Applicant during her life time, which indicate that the subsequent statements are motivated, and must be considered.

23. It is submitted that investigations are complete and no purpose would be served in arresting the Accused. Reliance is placed on Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273 and Satender Kumar Antil vs. CBI, (2022) 10 SCC 51, wherein it has been held that routine arrests in matrimonial disputes should be avoided, especially when the accused has cooperated and no custodial interrogation is warranted. Bail is a Rule and Jail is the Exception. The Applicant undertakes to comply with the Court directions and not to leave the jurisdiction of this Court.

24. *Hence, a prayer is made that he be granted Bail.*

25. The **Status Report has been filed on behalf of the State**, wherein it has been explained that DD No.61A dated 26.06.2025 was received at Police Station Sarai Rohilla, wherein it was mentioned that Ms. Kanchan aged 32 years, wife of Sonu Rathor (Applicant) resident of Shastri Nagar, Delhi had been *brought dead* with injury on her left elbow and no other visible injury. The investigations were done. The MLC of the injured was obtained, wherein the alleged history was that it was a case of self fall from third floor as told by the attendant Mr. Mohan.

26. Enquiry was conducted during which it was found that deceased Kanchan was married to Applicant approximately 7-8 months back. The



SDM was informed for necessary action. The crime scene was inspected. The SDM on 27.06.2025 recorded the statement of Smt. Meena Devi and Sh. Arjun Singh mother and brother of the deceased. Mr. Arjun Singh made allegations of dowry demands and cruelty by in-laws of the deceased. He also raised doubt about the circumstances of the death of Ms. Kanchan. The present FIR No.358/2025 was accordingly registered.

27. Post Mortem Report was collected. Pursuant to the directions of learned Sessions Judge, joint investigations was made on 06.07.2025 and 08.07.2025 and the Interrogation Report was prepared. He produced two mobile phones, one belonging to him and other to the deceased. The phones were kept in an open condition for analysis by the I.O.

28. Further on 10.07.2025 the Co-accused (mother of the Applicant) joined investigations and the Interrogation Report was prepared. It is further stated that family members of the deceased have joined investigations and their statements under Section 180 BNSS have been recorded, wherein they have alleged that from the beginning of their relationship there were persistent and unreasonable demands for dowry made by the family members of the Applicant. They further claimed that in response to these demands, the deceased's family had transferred Rs.10 lakhs online to the family of the Applicant before the marriage and Rs.5 lakhs cash at the time of engagement. Rs.2.5 lakhs cash was given at the event of 'Bela' and before the marriage the Applicant received Rs.1 lakh from the account of the deceased. It is further alleged that after marriage deceased was subjected to torture, harassment by the Applicant along with his family members with an intent to compel her to fulfil her demand for a new high-end car instead of



previous one. On the day of incident, she was also tortured and harassed by the Applicant.

29. On 01.08.2025, the NBWs were issued against the Applicant, who moved an Application for cancellation of NBW. The NBW's have been stayed by the Court of learned JMFC till 17.09.2025.

30. The Bank Statements of the deceased family have been obtained, which clearly show that approximately Rs.10 lakhs were transferred by the family of the deceased to the family members of the Applicant. Medical treatment papers of the deceased have been verified from the concerned Hospital/Departments and the Reports have been obtained. The Viscera of the deceased as well as two mobile phones have been forwarded to FSL for expert opinion.

31. The Bail Application *is opposed on the ground* that the allegation are serious in nature. The custodial interrogation of the Applicant is required.

32. *Learned Counsel for the Petitioner has submitted* that the parties had got married on 14.11.2024. At the time of marriage, as per the arrangement 50% expenditure was borne by the Applicant's family while remaining 50% by the family of the deceased. Rs.10 lakhs approx. had been paid by the family of the Applicant while Rs.10 lakhs had been given for the marriage expenditure by the family of the deceased.

33. It is further submitted that throughout their married life, Applicant and the deceased had amicable relationship and had mutual love and affection, which is evident not only from the extensive mobile chats that



have been placed on record but also from the photographs of them being together and looking happy and content.

34. It is further argued that there was no Complaint whatsoever that was made by the deceased or by her family members alleging dowry demands. These allegations are nothing but an afterthought and have been made in the Supplementary statements recorded subsequently. The FIR is of two line, wherein no allegation whatsoever against the Applicant or the family members is made.

35. It is further argued that the deceased came under depression on the demise of her father in December, 2024. She has been under medication and treatment, which is evident from the medical reports of Jeevan Mala and Max Hospital.

36. It is further submitted that on the day of incident he was not present at his house and in fact, he had a conversation with the deceased sometime prior to the incident. Even in that conversation, there is nothing to show that there was any acrimony between two of them. It is further explained that there was a space in front of window where a cloth line had been put for hanging clothes. On the day of incident while hanging the clothes by getting on the chair, she fell out of the window and died.

37. It is also submitted that her medical condition as reflected in the medical records can also not be ignored. There was a neighbour who had witnessed the entire incident. She had stated that it was a case of accidental fall, but the I.O despite being told is not willing to record her statement. It is thus, contended that it was not a case of suicide but an accidental fall or on



account of mental state of the deceased for which the Applicant cannot be held responsible in any manner.

38. It is further submitted that the Applicant is working as a Section Officer in Ministry of Health & Family Welfare and there is no likelihood of his absconding or not joining the investigations. Moreover, the witnesses are the mother and brothers of the deceased who are employed in Indian Army and Navy and there is no likelihood of the Applicant influencing any of those witnesses. It is also submitted that the mother and the sister of the Applicant have already been granted interim protection by this Court in the Bail Application which are pending consideration.

39. It is, therefore, submitted that the Applicant is entitled to Bail.

40. The *learned APP for State, however, has opposed the Bail on the ground* that there are serious allegations which have emerged in the statement of the mother and the brother that there were excessive demand after the marriage of the parties. Furthermore, after talking to the husband, the deceased had talked to her brother on phone, about half an hour before the incident. The statement of brother of the deceased has been recorded who stated that the deceased informed her about the dowry harassment. The brother also stated that there was a constant harassment about which the deceased had been informing to her mother since the day of marriage. It is stated that there are serious allegations of dowry, and death has taken place within less than one year of marriage. There is a presumption under Section 118 (B) Indian Evidence Act and the Applicant is not entitled to Bail.

Submissions heard and record perused.



41. It is an unfortunate case where a young lady had met with an unnatural death on 26.06.2025 i.e. barely after seven months of her marriage to the Applicant on 14.11.2024. While it has been claimed that Rs.10 lakhs had been given prior to the marriage, but it is the case of the Applicant that Rs.20 lakhs were spent on the marriage, which was shared equally by both the parties, which explains the transfer of Rs.10 lakhs to the family members of the Applicant. It is vehemently denied that there was any dowry harassment.

42. It is not in dispute that no Complaint whatsoever, was made by the family members of the deceased or the deceased herself during her lifetime in regard to harassment. There are Whatsapp chats placed on record between the Applicant and the deceased which do not reflect any kind of acrimony; rather the conversations are not only cordial but also reflect the mutual love between them.

43. Pertinently, in the FIR, no allegation has been made but it is only subsequently that the mother and the brothers made allegations of dowry demand.

44. The Applicant is employed as Section Officer with Ministry of Health & Family Welfare. He has joined the investigation and is not likely to tamper with the evidence or the witnesses. A specific query was put to the learned APP for the State to point out the specific allegations or dowry harassment made in the statements of the witnesses, however, he has conceded that there are no specific dates mentioned in the Statements, but are general allegations of demand of Rs.10 lakhs and a car of better model, had been made.



45. Considering the totality of circumstances, the accused is granted Regular Bail, on the following terms and conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
 - b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;
 - c) The petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
46. The observations made herein are not an expression on the merits of the case. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
47. The above Bail Application is accordingly, disposed of along with pending Application(s).

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 27, 2025

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