



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4380/2025**
SUNNYPetitioner

Through: Ms. Nandita Rao, Sr. Adv. with Mr.
Vimal Tyagi, Mr. Balaji Pathak, Mr.
Tripurari Jha & Mr. Akshay Rathi,
Advs.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Hitesh Vali, APP for State.
SI Jay Prakash, P.S. Rajouri Garden.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
18.12.2025

%

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 440/2025, registered at P.S. Rajouri Garden, West, Delhi for the offences under Sections 80/85/3(5) of the Bharatiya Nyaya Sanhita, 2023.³

2. The case of the prosecution is as follows:

2.1. On 12th August, 2025, a PCR call was received at P.S. Rajouri Garden, Delhi, regarding the suicide of a woman. On reaching Guru Gobind Hospital, one Jyoti was found declared brought dead. Inspection of the scene of crime revealed that the deceased had committed suicide by hanging, using a *chunni* tied to a ceiling fan. During inquiry, it emerged that the deceased had married accused Ravi approximately five years prior to her death, and

¹ "BNSS"

² "CrPC"



they had one child from this marriage.

2.2. The statement of the deceased's mother was recorded before the Executive Magistrate, wherein she alleged that the deceased had been subjected to harassment and physical abuse by her husband Ravi, her mother-in-law Rani, her brother-in-law Sunny (the Applicant), and Sunny's wife Tania for about three years, including taunts relating to dowry and threats to her life.

2.3. It is further alleged that at about 5:30 PM on 12th August, 2025, the deceased telephonically informed her mother that the Applicant had struck her on the head with a stick, causing injuries, and that she intended to lodge a police complaint. She also alleged that she was assaulted by Sunny's mother-in-law, Reena. On the basis of these allegations and the attendant circumstances, the present FIR came to be registered. The Applicant and co-accused Ravi were arrested on 14th August, 2025.

2.4. The deceased's mother was subsequently examined, wherein she stated that no dowry was given at the time of marriage as the deceased had married of her own volition; however, later, the husband and in-laws allegedly began demanding dowry and subjected the deceased to cruelty.

2.5. The post-mortem report revealed the cause of death as asphyxia due to ante-mortem hanging. Upon completion of investigation, chargesheet was filed, *inter alia*, against the Applicant under Sections 80, 85 and 3(5) BNS.

3. Ms. Nandita Rao, Senior Counsel for the Applicant, submits that the Applicant is innocent and has been falsely implicated. She contends that the deceased committed suicide by hanging from a ceiling fan; the post-mortem report records the cause of death as asphyxia due to ante-mortem ligature

³ "BNS"



hanging. No other external injury whatsoever was found on the body of the deceased, which rules out any physical assault or torture.

4. Ms. Rao further submits that although the marriage of the deceased and co-accused Ravi is itself is in dispute, even assuming the marriage to be valid, it is argued that the deceased and the Applicant were in a harmonious relationship for nearly five years prior to the incident. It is not disputed by the deceased's family that the marriage was solemnised without any dowry and was based on mutual affection. It is contended that the prosecution case rests solely on the statement of Raj Devi, the mother of the deceased, who has made vague allegations against the accused without specifying any particulars of dowry demands. Consequently, the ingredients of dowry death under Section 304B of the IPC are not made out, and the statutory presumption under Section 113B of the Indian Evidence Act, 1872 is not attracted.

5. It is further contended that the two independent witnesses, namely Amit and Pradeep, who are neighbours of the deceased, have not levelled any allegation of dowry demand in their statements under Section 161 Cr.P.C. The co-accused, Taniya @ Payal and Reena, against whom similar allegations have been levelled and who are stated to have played a comparable role, have already been granted pre-arrest bail. Therefore, the Applicant is also entitled to be released on the principle of parity.

6. On the other hand, Mr. Hitesh Vali, APP for the State, opposes the application and submits that the validity of the marriage between the parties cannot be doubted, particularly in view of their long-standing relationship. In any event, he contends, any dispute regarding the nature of the relationship is a matter to be assessed during trial, and at this stage, the



Court must proceed on the premise that a valid marriage existed. As regards the Applicant, he submits that there is a specific allegation that he assaulted the deceased with a stick on the date of the incident. This allegation finds mention in the statement of the complainant, who stated that she had a telephonic conversation with the deceased on 12th August, 2025, shortly before the deceased took the drastic step. The said telephonic interaction is corroborated by call detail records. It is further submitted that there is an audio message provided by the Complainant, wherein the co-accused Tania is heard abusing the deceased. The Applicant is accused of a serious offence and his release on bail carries a risk of tampering with evidence and influencing witnesses. On the basis of the aforesaid material, there exists strong *prima facie* material linking the Applicant to the offence, thereby disentitling him from the discretionary relief of bail.

7. This Court has considered the rival submissions and perused the material placed on record. The Applicant stands implicated under Sections 80/85 BNS, which pertain to offences relating to the death of a married woman and are accompanied by a statutory presumption analogous to Section 118 of Bharatiya Sakshya Adhiniyam, 2023 (*pari materia* Section 113B of Indian Evidence Act, 1872). The presumption, however, does not dispense with the requirement that the prosecution must first lay the foundational facts. At this stage, at least *prima facie*, the prosecution must show that (i) the death occurred otherwise than in normal circumstances, (ii) it occurred within the prescribed period from the marriage, and (iii) the deceased was subjected to cruelty or harassment “soon before death” in connection with a demand for dowry. Only once this foundational threshold is crossed does the presumption operate.



8. The first two requirements are not in dispute at this stage. The marriage, which, at this stage, is assumed to be valid, was solemnised in 2020 and the death occurred on 12th August, 2025, within about 5 years of marriage. However, for an offence of dowry death, the prosecution must establish more than mere matrimonial discord; it must disclose cruelty or harassment connected to a demand for dowry and having a proximate link with the death. The expression “soon before her death” embodies the requirement of such proximity and continuity. It does not require an incident immediately preceding the death, but it does insist on a live link between the dowry-related cruelty and the fatal event, as opposed to stale or remote allegations. Whether that proximity is established is ultimately a matter of evidence and inference to be drawn at trial. At the stage of bail, the Court confines itself to a *prima facie* appraisal of whether such dowry-linked cruelty “soon before death” is disclosed from the material placed on record, without undertaking a detailed evaluation that would effectively pre-judge the merits.

9. The prosecution places reliance on the statements of the deceased’s mother, who alleged that the deceased was subjected to harassment on account of dowry demands and that, on the day of the incident, she informed her mother telephonically that she had been assaulted by the Applicant. These statements are undoubtedly relevant and cannot be brushed aside at the threshold. While the ultimate weight and evidentiary value of the allegation of assault, and its proximity to the death, would require careful evaluation at trial, it is noted that the post-mortem examination reveals the cause of death as asphyxia caused by ante mortem ligature hanging, but does not record any external injuries or other medical findings suggestive of a



recent physical assault.

10. As regards the audio message relied upon by the prosecution, the conversation therein pertain to another co-accused and not to the Applicant; even otherwise, the contents thereof do not disclose any demand for dowry. Further, the two independent witnesses, namely Amit and Pradeep, stated to be neighbours of the parties, have recorded their statements under Section 161 Cr.P.C. without attributing any allegation of dowry demand to the Applicant. The evidentiary significance of these materials, and whether they cumulatively satisfy the statutory requirement of proximity, are matters that can only be determined upon a full appreciation of evidence at trial. Nonetheless, for the limited purpose of a *prima facie* assessment, it is noted that the prosecution has not placed any material on record to demonstrate any demand for dowry made by the Applicant during the five years immediately preceding the death of the deceased.

11. As per the nominal roll, the Applicant has been in custody since 14th August, 2025. The investigation is complete and the chargesheet has been filed. There is no material placed on record to indicate any prior criminal antecedents of the Applicant or any attempt on his part to abscond or interfere with the investigation. The apprehension expressed by the State regarding the likelihood of tampering evidence or influencing witnesses can be addressed by imposing appropriate conditions.

12. The principles governing grant of bail are well settled. Bail is not to be withheld as a measure of pre-trial punishment, and the primary object is to secure the presence of the accused during trial.⁴ While the nature and

⁴ *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



gravity of the allegations must be given due weight, they cannot be the sole basis to deny bail where the investigation is complete and continued incarceration is not shown to be necessary.

13. Having regard to the totality of circumstances, including the nature of the allegations, the completion of investigation, the material presently on record, and the period of custody already undergone, this Court is of the view that the Applicant has made out a case for grant of bail. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, and subject to the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday of



every 3 months;

14. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the afore-mentioned terms.

17. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

SANJEEV NARULA, J

DECEMBER 18, 2025/ng