



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 279 OF 2026

1. JYOTI SATISH KALE
2. TRUPTI W/O PIYUSH BOBADE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Kadam Gajanan G.

Addl.PP for Respondents/State : Mr. A. S. Shinde

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CORAM : MEHROZ K. PATHAN, J.

DATE : 18th FEBRUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.1/2026 registered with Sindkhed Police Station, Taluka Mahur, District Nanded for the offences punishable under Sections 108, 80(2), 85, 3(5) of Bharatiya Nyaya Sanhita, 2023.
3. The learned Counsel for the Applicants submits that there are no direct allegations against the Applicants. The Applicants are near relatives of the deceased's husband, namely Sachin Satish Kale. The husband of the victim, Sachin, has already been arrested and is

behind bars. Accused No. 2, Satish, the father of the husband of the deceased, has also been arrested and released on regular bail. There is no direct role attributed to the present Applicants in the commission of the crime. At most, the allegations pertain to instigation allegedly given by the Applicants to the husband, who is accused of committing cruelty and harassment upon the victim on account of non-fulfilment of dowry demands, which ultimately led to the deceased committing suicide.

4. The Applicant No. 2 is a resident of Amravati and was not residing in the house where the incident of suicide took place. Applicant No. 2 has been deliberately dragged into the case by the complainant, who is the father of the victim, with the intention of implicating all members of the husband's family and to wreak vengeance. The Applicants are not criminal history-sheeters and the Applicants are ready to abide by any terms and conditions that may be imposed by this Court. The learned Counsel for the Applicants relies upon the judgment of the Hon'ble Supreme Court in **Savitri Agarwal and Ors. v. State of Maharashtra and Ors.**, AIR 2009 SC 3173; the judgment of the Hon'ble Supreme Court in **Mirza Iqbal and Ors. v. State of Uttar Pradesh and Ors.**, AIR 2022 SC 69; **Manjit Kaur v. State of Punjab**, MANU/SCOR/95901/2024; the judgment of the Single Bench of the Bombay High Court, Aurangabad Bench, in ABA No. 934/2024 (**Sugarabi w/o Latif Shaikh and Anr. v. State of Maharashtra and Anr.**); and ABA No. 1673/2024 (**Shindu w/o Nilkanth Chavan and Anr. v. State of Maharashtra and Anr.**), in

support of his submission that even in cases involving allegations of dowry death punishable under Section 304-B IPC and the corresponding Section 82 of the BNSS, the Courts are not precluded from exercising discretion to grant anticipatory bail. The present application filed by the mother-in-law and the sister-in-law of the deceased victim (daughter of the complainant) may therefore be entertained and they may be protected in exercise of powers under Section 482 of BNSS.

5. As against this, the learned APP vehemently opposes the present application on the ground that the Applicants are charged with the serious offence of committing dowry death of a young married woman on account of non-fulfillment of dowry demands. There are direct allegations in the FIR regarding the demand of dowry and a four-wheeler from the accused Sachin. Upon non-fulfillment of such demand, the victim was subjected to continuous harassment and cruelty at the behest of her husband, father-in-law, mother-in-law, and sister-in-law (present Applicants).

. The learned APP further submits that all the ingredients of Section 80, which is punishable with life imprisonment, are clearly made out from a bare reading of the FIR itself. The marriage took place in the year 2022, and the deceased committed suicide in the year 2026. Thus, the unnatural death of the deceased occurred within seven years of marriage, which is one of the necessary concomitants of the offence under Section 80. The allegations in the FIR clearly show that the deceased was subjected to cruelty and

harassment by her husband and the Applicants, who are the near relatives of the husband, namely the mother-in-law and sister-in-law of the deceased. The learned APP further submits that a bare reading of the FIR itself reveals overt acts of cruelty and harassment not only at the behest of the husband but also at the behest of both the Applicants. Even though Applicant No. 2 was residing at Amravati, it is specifically alleged in the FIR that Applicant No. 2 used to visit the matrimonial house of the deceased from time to time and instigate the husband of the deceased to commit cruelty and harassment on account of non-fulfillment of dowry demands made by the entire family. The learned APP further submits that there is a presumption under Section 113 of the Evidence Act, which applies to offences under Section 304-B IPC, now corresponding to Section 80 of the BNSS. Thus the learned APP submits that this is not a fit case to exercise the powers under Section 482 of BNSS for grant of anticipatory bail. Hence the application may therefore be rejected.

6. I have gone through the contents of the FIR and the order passed by the learned Sessions Judge. A perusal of the FIR shows that there are direct allegations against both the Applicants of instigating the commission of the said crime by the main accused, Sachin Kale. The ill-treatment began on account of the demand for a four-wheeler by accused Sachin, and the Applicants, who are the sister-in-law and mother-in-law, are alleged to have instigated Sachin to commit cruelty and harassment on account of fulfillment of dowry demands. The marriage of the complainant's daughter, deceased

Tejaswini, was solemnized with Sachin in the year 2022. Several gold ornaments and articles were given at the time of marriage by the complainant. However, after two to three months of the marriage, the Applicants, along with co-accused Sachin and Satish, allegedly started ill-treating the complainant's daughter. Accused Sachin stated that the victims father did not give enough dowry in marriage and specifically demanded Rs. 5 Lakhs for purchasing a four-wheeler and asked the deceased Tejaswini to bring the said amount. It is further stated in the FIR that, as the financial condition of the complainant (father of victim) was not sound, he handed over an amount of Rs. 50,000/- and agreed to pay the remaining amount later. The complainant had requested **Applicant No. 1, the mother-in-law**, to treat his daughter properly. However, despite this, the deceased Tejaswini was continuously subjected to cruelty and harassment on one ground or another. It is further alleged that the **Applicant No.2 (sister-in-law)** used to regularly visit and instigate the husband of deceased and the in-laws, as a result of which the harassment and cruelty of in-laws had increased. It is further stated that the deceased could not bear such harassment and cruelty meted out to her by the Applicants and ultimately committed suicide. The death of the deceased is in unnatural circumstance. The death has occurred within 7 years of marriage. The deceased was subjected to cruelty and harassment. The cruelty was on account of a non-fulfillment of dowry demand. Thus, the ingredients of Section 304-B IPC, now corresponding to Section 80 of the BNSS, are clearly fulfilled.

7. The judgments relied upon by the learned Counsel for the Applicants in the case of Manjit Kaur (supra) pertain to a simple offence under Section 306 IPC, wherein the Applicant Manjit Kaur was granted anticipatory bail. Insofar as the judgment relied upon in the case of Savitri Agarwal (supra), the said judgment pertains to the cancellation of bail which had already been granted by the High Court. Insofar as the judgment in Mirza Iqbal (supra), the same pertains to the quashing of the FIR.

. The judgment of the Single Bench of this Court dated 07.10.2024 passed in ABA No. 1673/2024 pertains to the grant of anticipatory bail, primarily on the ground that, prior to one year of the incident, the deceased had started living separately at Sambhajinagar with her husband. The other judgment in Sugarabi w/o Latif Shaikh and Anr. (supra) can be distinguished on the facts of that case. The offence is punishable with life imprisonment and there are serious allegations of cruelty and harassment against the Applicants, who are near relatives of the husband of the deceased. It would be apposite to refer to the judgment of **Naresh Kumar Mangla Vs. Anita Agarwal and Ors.** reported in AIR 2021 (SC) 277, wherein the similar facts of the crime which was registered under Sections 304B 498A of IPC, an anticipatory bail which was granted by the High Court came to be cancelled by the Hon'ble Supreme Court on the ground that the custodial interrogation of the Applicant would be necessary.

8. The Hon'ble Supreme Court in the case of Naresh Kumar

Mangla (supra) was pleased to observe at paragraph no.19 which is as under :

“The grant of anticipatory bail in such a serious offence would operate to obstruct the investigation. The FIR by a father who has suffered the death of his daughter in these circumstances cannot be regarded as “engineered” to falsely implicate the spouse of the deceased and his family. We hasten to add that our observations at this stage are prima facie in nature, and nothing that we have said should be construed as a determination on the merits of the case which will be adjudicated at the trial.”

9. The words “soon before death” appearing in Section 304(b) of the IPC (corresponding provision under the Bharatiya Nyaya Sanhita) do not mean “immediately before.” The expression requires the existence of a proximate and live link between the cruelty or harassment and the death of the victim. The Hon’ble Supreme Court in the case of **Satbir Singh Vs. State of Haryana and Tehseen S. Poonawalla vs. Union of India, (2018) 9 SCC 501**, has observed that where the object of legislation is significant, a strict and narrow interpretation would defeat the very purpose of the enactment. Therefore, when the legislature used the expression “soon before,” it intentionally left its determination to be decided on the facts and circumstances of each case.

10. The Hon’ble Supreme Court in the case of **Shabeen Ahmad Vs. The State of Uttar Pradesh and Anr. reported in 2025 INSC 307**, was pleased to hold as under :

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.

11. The nature of the allegations, directly attribute a role to the present Applicants in committing cruelty and harassment on account of non-fulfillment of dowry demands, thereby fulfilling the ingredients of Section 80 of the BNSS considering the gravity of the offence wherein the daughter of the complainant is found dead in the matrimonial home, I am not inclined to exercise the discretionary powers under Section 482 of the BNSS.

12. The learned Counsel for the Applicants further submits that the 1½ year-old child of the deceased and accused No. 1/Satish, is presently residing with the Applicants. It is urged that this Court may consider the same as one of the grounds for releasing the Applicants on anticipatory bail. However, the jurisdiction to grant anticipatory bail is to be exercised very cautiously, particularly in cases where no offences are made out against the Applicants, as anticipatory bail is a special relief. The ground raised by the Applicants, namely that the 1½ year-old child is residing with them, cannot by itself be considered sufficient to release the Applicants on anticipatory bail.

13. The Applicants are also alleged to have instigated the husband of the deceased to subject her to cruelty and harassment on account of non-fulfillment of dowry demands. Hence, prima facie, the offence punishable under Section 80 of BNS is clearly made out against the present Applicants. The offence is punishable with life imprisonment. The application is therefore rejected.

MEHROZ K. PATHAN
JUDGE

NATEEB..