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

\# **CNR No. DLHC010026862026**

\+ BAIL APPLN. 377/2026 & CRL.M.A. 2902/2026, CRL.M.A. 28092/2026

GOVINDA KASHYAP .....Petitioner

Through: Ms. Urvashi Bhatia, Mr. Jatin, Mr. Gourav Pachouri, Mr. Mathew P. Philips, Mr. Farheen and Mr. Ankit Rajput, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Ms. Shubhi Gupta, APP for State.
SI Sumit, P.S. Subzi Mandi.
Mr. Ashwani Kumar & Ms. Preeti, Advocates for R-2 & R-3 (*Through video-conferencing*)
Mr. Lokesh Sharma, Advocate for mother of the deceased.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 02.11.2026

CRL.M.A. 2902/2026 (*exemption*)

1. Allowed, subject to all just exceptions.

BAIL APPLN. 377/2026

2. The present bail application has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') for grant of regular bail in FIR No.523/2022, registered at P.S. Sabzi Mandi under Sections

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304B/498A/406/34 of the Indian Penal Code, 1860 ('IPC') dated 20th October, 2022.

3. It is stated that the applicant has been in custody since 20th October, 2022, excluding the period of two months during which interim bail was granted to the applicant.

4. Notice in the present petition was issued *vide* order dated 2nd February, 2026.

5. As per the case of the prosecution, the applicant was married to the deceased victim on 16th February, 2021. There were frequent beatings given by the applicant to the deceased victim and the applicant used to ask the family of the deceased victim for dowry. A sum of Rs.3,00,000/- was sent by the father of the deceased victim to the applicant towards dowry.

5.1. On 19th October, 2022, there was a fight between the applicant and the deceased victim, during which the applicant gave severe beatings to the victim. The parties went to report the said incident to a police station, however, ultimately a complaint was not registered.

5.2. In the morning of 20th October, 2022, the parents of the deceased victim got a call that the deceased victim has hanged herself. The matter was investigated and a case was registered under Sections 304B/498A/406/34 IPC. The applicant was taken into custody on 20th October, 2022.

6. Investigation in the present matter was concluded and chargesheet was filed on 16th January, 2023.

7. Counsel appearing on behalf of the applicant submits that 17 out of the 23 witnesses have already been examined, including the material witnesses.

8. She submits that during cross-examination, it has come to light that

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there have been material improvements in the testimony of the witnesses. It is submitted that specific allegations with respect to demands of dowry were only belatedly introduced during the testimonies of the prosecution witnesses and that the said allegations were missing in the statements of the said witnesses before the police under Section 161 of the Code of Criminal Procedure, 1973 ('CrPC') and before the Magistrate under Section 164 CrPC.

9. During the course of the trial, the prosecution belatedly preferred an application before the Trial Court under Section 216 of Cr.P.C./239 of Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS') seeking framing of an additional charge under Section 306 IPC. The said application was allowed by the Trial Court *vide* order dated 11th August, 2026. Consequent to the addition of charge, the applicant was permitted to recall the material witnesses for cross-examination in relation to the additional charge.

10. Counsel further submits that the entire set of incidents of 19th October, 2022 till the morning of 20th October, 2022 has been captured on CCTV. There is nothing in the said footage to show that the applicant inflicted any violence on the deceased. She further submits that, in terms of the MLC of the deceased victim, the incident that occurred on 19th October caused only simple hurt and swelling.

11. Counsel for the applicant submits that the applicant has been granted interim bail twice and, on both instances, the applicant did not misuse the liberty granted to him and duly surrendered in time.

12. She further submits that the applicant has a six-year-old child, who is solely being cared for by the ailing and widowed mother of the applicant.

13. Status report has been filed on behalf of the State.

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14. Ms. Shubhi Gupta, APP appearing on behalf of the State vehemently opposes the bail application. She submits that there is ample evidence on record to show that the applicant inflicted beatings upon the victim and caused serious injuries, which caused the death of the victim.

15. She further submits that there is close proximity between the time of death of the victim and the victim calling her family members alleging torture.

16. She further submits that the incident of suicide took place within one and a half years of the marriage between the applicant and the deceased victim. Accordingly, the presumption in terms of Section 113B of the Indian Evidence Act, 1872/ Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 ('BSA') in relation to a dowry death, would be applicable in the present case.

17. Counsel for the complainant opposes the grant of bail. He adopts the submissions made by APP on behalf of the State.

18. I have heard the counsel for the parties and examined the record of the case.

19. Earlier, the applicant had filed a bail application being BAIL.APPLN.415/2024, which was dismissed by this Court *vide* order dated 26th September, 2024.

20. Since the dismissal of the said bail application, 17 out of 23 prosecution witnesses have been examined. The applicant has spent a further period of two years in custody.

21. Further, the Trial Court has allowed the application of the prosecution seeking framing of additional charge under Section 306 IPC *vide* order dated 11th August, 2026. It is clear that consequent to the framing of the additional

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charge, the trial in the matter is likely to be delayed. The applicant has been granted opportunity for recall of the witnesses, which have already been cross-examined earlier by the applicant, in relation to the additional charge.

22. It is also to be borne in mind that the applicant has spent almost four years in custody. As per the nominal roll, the conduct of the applicant in the custody has been 'satisfactory' and the applicant is not involved in any other case. The applicant was also enlarged on interim bail *vide* orders dated 10th June, 2024 and 7th May, 2026, and on both occasions, he surrendered in time, not misusing the liberty granted.

23. This Court is conscious that allegations under Sections 304B and 306 IPC are serious and grave in nature and that the presumption under Section 118 of BSA would also be attracted in the present case. However, as contended by the counsel for the applicant, the allegation with regard to demands for dowry was introduced belatedly during the testimonies of the prosecution witnesses and were not part of the statements made under Sections 161 and 164 CrPC. At this stage, this Court is not expected to examine in detail the evidence against the applicant as the trial is already underway. Needless to state, the Trial Court will make a holistic assessment of the testimonies of the witnesses.

24. In the aforesaid circumstances, the factors which weigh with this Court for granting bail to the applicant are the period of long incarceration and the delay in conclusion of the trial on account of the additional charge being framed against the applicant. This Court also takes note of the fact that the applicant has a minor child of 6 years being looked at by his grandmother. Considering the totality of the facts and circumstances in the present case, in my opinion, further incarceration of the applicant is not

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necessary. Accordingly, this Court is inclined to enlarge the applicant on bail.

25. In similar cases under Sections 304B and 306 IPC, coordinate benches of this Court have granted bail to the accused taking into account, *inter alia*, the long period of incarceration. (Ref. Order dated 31st August, 2026, in Bail Application 1855/2026, titled '***Jatin* v. *State NCT of Delhi***' (incarcerated for 2 years 6 months), Judgment dated 9th July, 2020 in Bail Application 633/2020, titled '***Amarkant Mahto* v. *State***' (incarcerated for 2 years), Judgment dated 5th September, 2023 in Bail Application 312/2023 titled '***Parul* v. *NCT of Delhi***' (incarcerated for 1 year))

26. Consequently, the present application is allowed and the applicant is directed to be released on bail, subject to the applicant furnishing bail bond in the sum of Rs.50,000/-, with one surety in the like amount to the satisfaction of the Trial Court, and subject to the following conditions:

a. The applicant shall provide his latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer ("S.H.O."), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish his permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of

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the Court.

e. The applicant shall not commit any offence during the period of their release.

f. 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.

27. The application is disposed of in the above terms.

28. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the case.

29. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 2, 2026
Vivek

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