



\$~76

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

+ BAIL APPLN. 1480/2026, CRL.M.A. 11719/2026,
CRL.M.(BAIL) 792/2026

AMIT CHAURASIYA

.....Petitioner

Through: Ms. Urvashi Bhatia, Ms. Aarushi
Jainwal and Ms. Farheen Intakhab,
Advocates.

versus

STATE(NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for State
with SI Deepak Kumar, PS
Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.04.2026**

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks anticipatory bail in connection with FIR No. 113/2026 dated 04.03.2026, registered at Police Station Jahangir Puri, District North-West, New Delhi, under Sections 85/80/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. I have heard Ms. Urvashi Bhatia, learned counsel for the applicant, and Ms. Manjeet Arya, learned Additional Public Prosecutor for the State.
3. The present case pertains to the death of the applicant's wife on 01.03.2026. She was aged about 25 years, when she died by suicide. The



applicant and the deceased were married on 23.11.2025. Thus, the death occurred just over three months after the marriage.

4. The applicant had earlier sought anticipatory bail before the learned Sessions Court, which was rejected by order dated 02.04.2026. The prosecution's reply dated 20.03.2026 to the said application is on record.

5. The prosecution case, as stated in the reply filed before the learned Sessions Court, is based upon statements of the parents of the deceased recorded before the Executive Magistrate, wherein they stated that the applicant and his family demanded dowry of Rs. 5,00,000/-, out of which Rs. 3,00,000/- was paid at the time of marriage, and certain gold articles were also gifted to the applicant and his family. It is further alleged that, after marriage, the deceased was not permitted to meet her parental family and was subjected to harassment for her failure to bring more dowry. The deceased left her matrimonial home and returned to her parental home on 27.02.2026. It is alleged that she died by suicide on 01.03.2026, after receiving a telephone call from the applicant.

6. During the course of investigation, the sister-in-law of the deceased also corroborated the above allegations. It is further stated that the applicant and his family members were not present at their house when a raid was conducted on 15.03.2026, and have not joined the investigation since.

7. In support of this application, Ms. Bhatia submits that no allegation of dowry demand or harassment is made out from the subject FIR. She submits that the deceased was, in fact, in her parental home for two days prior to the date of the incident. Ms. Bhatia has also drawn my attention



to photographs, call records and screenshots of WhatsApp conversations between the applicant and the deceased to submit that their marital life was, in fact, happy, and that there was no evidence of such harassment as sought to be projected in the FIR.

8. Ms. Arya, on the other hand, submits that the applicant and his family members have failed to join the investigation, that specific allegations against the applicant are contained in the FIR, in the statements of the parents of the deceased recorded before the Executive Magistrate, as well as in the statement of the sister-in-law of the deceased under Section 180 of the BNSS. She submits that, in a serious offence relating to dowry death and cruelty under Sections 80 and 85 of the BNS, grant of anticipatory bail is not warranted in these circumstances.

9. Having heard learned counsel for the parties, I am not inclined to grant anticipatory bail in a case such as the present one. The grant of anticipatory bail, it has been emphasised by the Supreme Court, is an extraordinary remedy, and Courts are required to be circumspect in balancing the interest of the accused in his personal liberty with the public interest in a fair and effective investigation. Reference in this connection may be made to the judgment in *Srikant Upadhyay v. State of Bihar*¹, which held as follows:

“30. We have already held that *the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case.* While called upon to exercise the said power, *the court concerned has to be very cautious as the grant of interim protection*

¹ (2024) 12 SCC 382.



or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.”²

10. At this stage, it may also be borne in mind that the Supreme Court has emphasised that custodial interrogation is far more effective in eliciting the truth, than interrogation while the accused is clothed with the protection of the Court. Reference in this connection may be made to *State v. Anil Sharma*³, and *P. Krishna Mohan Reddy v. State of Andhra Pradesh*⁴. Recently, the Supreme Court has also cautioned against the grant of bail in cases involving serious offences such as dowry death, holding that Courts ought to consider *inter alia* the nature of the alleged crime, the punishment prescribed under the BNS, the relationship between the accused and the deceased, and the statutory presumption under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 [“BSA”]⁵.

11. Having regard to all the above factors, I do not consider this an appropriate case for the grant of anticipatory bail. The applicant is the husband of the deceased, who died by suicide just over three months after

² Emphasis supplied.

³ (1997) 7 SCC 187.

⁴ 2025 SCC OnLine SC 1157.

⁵ *Chetram Verma v. State of U.P.*, Criminal Appeal No. 770/2026, decided on 09.02.2026 [paragraph 19].



their marriage. The FIR, contrary to Ms. Bhatia's assertion, does contain specific allegations of dowry demand against him, and of harassment of the deceased on this account. The statements of the parents and sister-in-law of the deceased, *prima facie*, support this position. The investigation is still ongoing, and it is not possible at this stage, to rule out the requirement of custodial interrogation of the applicant. The presumption under Section 118 of the BSA, and Section 80 of the BNS, also operates at this stage *prima facie* against the applicant.

12. Ms. Bhatia's reliance upon photographs and WhatsApp conversations to demonstrate the subsistence of a normal marital life also does not persuade me to reach a contrary conclusion at this stage. These are matters for further investigation and trial, but do not make out a sufficient case for the grant of anticipatory bail.

13. In view of the aforesaid, I do not consider this a fit case for grant of the extraordinary remedy of anticipatory bail to the applicant.

14. The present bail application, alongwith pending applications, is accordingly dismissed.

15. Needless to say, the observations in this order are only for the purpose of deciding the present bail application, and are not intended to prejudice the applicant's case on merits.

PRATEEK JALAN, J

APRIL 17, 2026

'pv/KA'/