



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 11<sup>th</sup> November, 2025.

Pronounced on: 24<sup>th</sup> November, 2025.

Uploaded on: 24<sup>th</sup> November, 2025.

+ BAIL APPLN. 3329/2025

ROHIT

.....Petitioner

Through: Mr. Manoj Kumar Duggal and Mr. Aryan Duggal, Advocates.

versus

STATE (N.C.T. OF DELHI)

Through:

.....Respondent

Mr. Yudhvir Singh Chauhan, APP for State with Insp. Mahender Kumar, PS-S.B. Dairy.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J.:**

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> seeks regular bail in case FIR No. 564/2023 registered under Sections 498A/304B/34 of the Indian Penal Code, 1860<sup>2</sup> at P.S. Shahbad Dairy. A chargesheet under the aforesaid provisions has since been filed.

**FACTUAL MATRIX**

2. The case of the prosecution, in brief, is as follows:

2.1. The marriage between the Applicant and the deceased Shivani was solemnized on 08<sup>th</sup> December, 2022. On 03<sup>rd</sup> June, 2023, information was

<sup>1</sup> "BNSS"

<sup>2</sup> "IPC"



received from Dr. BSA Hospital that Shivani had been brought dead with an alleged history of hanging.

2.2. Proceedings under Section 176 of the Code of Criminal Procedure, 1973<sup>3</sup> were conducted by the executive magistrate. In the course of these proceedings, Shivani's father alleged that the Applicant and his family subjected her to dowry-related cruelty, which drove her to commit suicide. On this basis, the present FIR came to be registered.

2.3. The complainant handed over certain photographs and an audio clip purportedly sent by the deceased, in which she is stated to have complained of harassment and beatings by the Applicant.

2.4. The Applicant was arrested on 06<sup>th</sup> June, 2023. All the co-accused have been granted anticipatory bail. Investigation in the case stands concluded and chargesheet has been filed.

### **SUBMISSIONS**

3. Mr. Manoj Kumar Duggal, counsel for the Applicant submits that the Applicant has been falsely implicated. It is contended that the material relied upon by the prosecution, including the audio recording and photographs attributed to the deceased, does not disclose any specific demand for dowry and, at best, indicates ordinary marital discord or allegations of quarrels and beatings. On this basis, it is urged that the foundational requirements of Sections 304B and 498A IPC are not met, as there is no material to establish a proximate or live link between any alleged acts of cruelty and the death in question. It is further submitted that the Applicant has remained in custody for more than two years; the investigation stands concluded; chargesheet has already been filed; and no further custodial interrogation is required. Thus,



continued incarceration of the Applicant would be unjustified in these circumstances. It is also emphasised that all co-accused family members have been granted anticipatory bail.

4. Mr. Yudhvir Singh Chauhan, APP for the State, opposes the application. He submits that the case concerns the unnatural death of a young woman within the first seven years of marriage, attracting the rigours of Sections 304B and 498A IPC. He points out that the prosecution material, including the voice recording and photographs, depicts sustained harassment and physical violence, and that the complainant has made categorical allegations of dowry demands by the Applicant and his family members. On this basis, it is urged that the ingredients of the aforesaid offences are *prima facie* satisfied. He further submits that the co-accused who have been granted anticipatory bail are not similarly situated, as they are in-laws, whereas the Applicant is the husband of the deceased and the central figure in the allegations. Mr. Chauhan also raises a concern that if released, the Applicant may attempt to threaten or intimidate the complainant or the family of the deceased out of anger or a sense of reprisal, thereby posing a risk to their safety and to the fairness of the trial.

### **ANALYSIS**

5. This Court has considered the rival submissions and examined the material placed on record, including the transcript of the audio recording relied upon by the prosecution. The Applicant stands charged, *inter alia*, under Section 304B IPC, which creates a distinct offence of 'dowry death' and is complemented by the statutory presumption under Section 113B of

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<sup>3</sup> "Cr.P.C."



the Indian Evidence Act, 1872.<sup>4</sup> For this presumption to operate, the prosecution must establish, at least *prima facie*, that: (i) the death of a woman occurred otherwise than under normal circumstances; (ii) such death took place within seven years of marriage; and (iii) soon before her death, she was subjected to cruelty or harassment by her husband or his relatives, in connection with any demand for dowry. Once these foundational facts are established, the law permits a presumption that the husband or his relatives caused the dowry death.

6. In the present case, the first two elements are, at this stage, not in dispute. The marriage took place on 8<sup>th</sup> December 2022 and the death occurred on 3<sup>rd</sup> June 2023, in circumstances recorded as an alleged case of hanging. The real controversy, even at the threshold, concerns the third requirement, namely whether there is material to suggest that the deceased was subjected to cruelty or harassment ‘soon before her death’ in connection with any dowry demand.

7. The prosecution places reliance on (i) the statement of the deceased’s father recorded during inquest proceedings under Section 176 Cr.P.C., and (ii) certain photographs and an audio clip said to have been sent by the deceased. At this stage, the Court refrains from commenting on the evidentiary weight of this material. However, on a *prima facie* reading of the transcript of the audio clip, as also acknowledged by the prosecution, does not reveal dowry related demands. The transcript reflects quarrels and allegations of beatings, but it does not contain any clear or specific reference to dowry demand by the Applicant. There is also no prior complaint or report lodged with the police or any other authority regarding dowry demand

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<sup>4</sup> “the Evidence Act”



before the inquest statement was recorded. Thus, whether the general allegations of cruelty or harassment adverted to by the complainant and the material relied upon by the prosecution meet the statutory threshold of 'cruelty in connection with dowry' and 'soon before her death' for the purposes of Sections 304B and 498A IPC is a matter that will require full-fledged evidence and cross-examination at trial. At the stage of considering bail, the Court is not expected to conduct a mini-trial or render any conclusive finding on the applicability of the presumption under Section 113B of the Evidence Act.

8. As per the nominal roll, as on 1<sup>st</sup> October 2025, the Applicant has remained in custody for approximately two years and five months. The investigation stands completed and a chargesheet has already been filed. There is nothing on record in the present proceedings to indicate that the Applicant has any previous criminal history or that he has attempted to abscond or interfere with the process of law during the period of investigation. The trial is yet to conclude and, having regard to the nature of the offence and the pendency of such matters, it is reasonable to expect that it will take some time before it reaches finality. Prolonged pre-trial incarceration, particularly once the investigation is over and the accused is no longer required for custodial interrogation, has been consistently viewed with caution by the Supreme Court.

9. The co-accused, who are family members of the Applicant and against whom allegations also stand levelled, have been granted anticipatory bail. It is correct that the Applicant, being the husband, is placed somewhat differently from the in-laws and the principle of parity cannot be applied mechanically. However, whether the prosecution ultimately establishes the



essential ingredients of the offences is a matter that will fall for appreciation on the basis of the evidence, parties shall adduce at trial and cannot be pre-judged at the bail stage.

10. The general principles governing the grant of bail are well settled. Bail is not to be withheld as a form of pre-trial punishment, and the primary purpose of bail is to secure the presence of the accused at trial.<sup>5</sup> In considering a bail application, due regard must be given to the nature and gravity of the accusation, the severity of the punishment in the event of conviction, the *prima facie* evaluation of the material, the likelihood of the accused fleeing from justice, and the possibility of tampering with evidence or influencing witnesses.

11. Having regard to the totality of circumstances, including the duration of custody, the stage of the proceedings, the nature of the material on record, and the settled principles governing grant of bail, this Court is of the view that the Applicant has made out a case for being released on bail. The apprehensions expressed by the State that the Applicant may threaten or intimidate the complainant or other witnesses can be addressed by imposing strict and enforceable conditions.

12. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

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<sup>5</sup> See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



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;

13. 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.

14. 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.

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

**SANJEEV NARULA, J**

**NOVEMBER 24, 2025/MK**