



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 19th November, 2025.

Pronounced on: 26th November, 2025.

Uploaded on: 26th November, 2025.

+ **BAIL APPLN. 3131/2025 & CRL.M.A. 24315/2025**

AKASH GUPTA

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Hirein Sharma, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Hitesh Vali, APP.
SI Mahendra Koli, P.S. Bhalswa
Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

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 proceedings arising from FIR No. 374/2023 registered under Sections 498A/304B/34 of the Indian Penal Code, 1860³ at P.S., Bhalswa Dairy.
2. The Applicant's earlier bail application before this Court was dismissed as withdrawn on 11th March, 2025, at which stage charges had not yet been framed and directions were issued for expeditious conduct of the trial. As per the latest report received from the Trial Court, charges have

¹ "BNSS"

² "Cr.P.C."



since been framed; however, no prosecution witness has been examined and the trial has not made any meaningful progress. During this period, the Applicant has undergone a further substantial span of incarceration. In these circumstances, and having regard to the implications for personal liberty, this Court considers it appropriate to entertain the present application and examine the matter on its merits.

FACTUAL MATRIX

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

3.1. The deceased, Moni Gupta, aged 25 years, married the Applicant, Akash Gupta, on 01st December, 2016, and was residing with him at Mukundpur, Delhi.

3.2. On 04th April, 2023, information was received at P.S. Bhalswa Dairy that the deceased had been admitted to BJRM Hospital, Jahangirpuri, with suspected history of poison ingestion. During treatment, she was declared dead. The crime team inspected the matrimonial home, seized certain exhibits including cloth material, a packet of “Laxman Rekha”, a white solid substance, and the deceased’s damaged mobile phone. The body was preserved for post-mortem and viscera was retained for FSL analysis. On the basis of this information, the present FIR came to be registered.

3.3. During investigation, the father of the deceased stated that from the early years of marriage, his daughter had been subjected to persistent cruelty and dowry-related harassment by the Applicant and his family members. He alleged that dowry articles worth approximately INR 2,51,000 were given at the time of marriage, and an additional sum of INR 2,00,000 was paid in 2018, yet demands for money continued. It is further alleged that the

³ “IPC”



deceased repeatedly informed her parents that she was being beaten and pressurised to bring more money from her parental home. He also referred to an earlier incident when the deceased left the matrimonial home and was later found at Banaras Railway Station, allegedly after being assaulted by the Applicant and his family members.

3.4. The statement of the minor daughter of the deceased, recorded under Section 164 Cr.P.C. on 22nd June, 2023, alleges prior acts of violence against the deceased as well as demand for money on the night preceding the incident.

3.5. Investigation has since been completed, a chargesheet has been filed, charges have been framed, and the matter is presently pending for recording of prosecution evidence.

SUBMISSIONS

4. Ms. Nandita Rao, Senior Counsel for Applicant, urges the following grounds in support of the Application:

4.1. The Applicant has been falsely implicated. During six years of marriage, no complaint of cruelty or dowry demand was ever lodged by the deceased or her family. Even in the present case, the prosecution has not identified any specific date, time, or concrete instance of an alleged dowry demand or act of cruelty and relies only on broad, omnibus assertions.

4.2. The statement of the minor child under Section 164 Cr.P.C. was recorded nearly two months after the incident and is therefore vulnerable to tutoring and embellishment. The child's version alleging beatings and burn injuries is entirely contradicted by the post-mortem report, which records no external injuries on the body of the deceased.

4.3. There is no contemporaneous material, such as messages, audio or



video recordings, written complaints, or any other documentary evidence, to support the allegation of dowry-related harassment or sustained cruelty.

4.4. The Applicant has already been in custody for more than two years and six months. Investigation is complete, the chargesheet has been filed, and charges have been framed. Out of 29 listed witnesses, not a single one has been examined so far, and the trial is unlikely to conclude in the near future. Custodial interrogation is no longer required, and there is no allegation that the Applicant has attempted to threaten witnesses or interfere with the proceedings. In this backdrop, it is argued that further incarceration would be unjustified and disproportionate.

5. Hitesh Vali, APP for the State, opposes the application on the following grounds:

5.1. The case concerns death of a young married woman under unnatural circumstances, within seven years of marriage, thereby attracting the provisions of Sections 304B and 498A IPC and the statutory presumption under Section 113B of the Indian Evidence Act. In such circumstances, the allegations cannot be viewed lightly at the stage of bail.

5.2. Reliance is placed on the material collected during investigation, particularly the detailed allegations of dowry-related harassment made by the complainant (father of the deceased) and the statement of the minor daughter recorded under Section 164 Cr.P.C. These material taken together, *prima facie* indicate a sustained course of cruelty and harassment “in connection with” dowry demands, and thus the essential ingredients of Sections 304B and 498A IPC are duly made out, at this stage.

5.3. The supplementary statement of the complainant specifically alleges that the deceased was beaten on 20-25 occasions on account of dowry



demands. It is also stated that on one such occasion, about one and a half years prior to the incident, the deceased left the matrimonial home and was later traced at Banaras Railway Station. Further, it is recorded that on 03rd April, 2023, the deceased informed her mother that she had again been assaulted, was being pressurised to bring money from her parental home, and no longer wished to live. These assertions are corroborated by the statements of the complainant's wife and son.

5.4. As per the Applicant's disclosure during interrogation, on the evening of 03rd April, 2023, he was consuming alcohol with a relative and when the deceased objected, a quarrel ensued, during which he slapped her and asked her to bring money from her father. Thereafter, the deceased consumed poison. The case diary also refers to a conversation retrieved from the deceased's mobile phone between her and her father-in-law, in which she reportedly complained of cruelty.

5.5. The allegations and the material reflect a sustained pattern of cruelty and harassment related to dowry, and releasing the Applicant at this stage may expose the complainant and other material witnesses, who are yet to be examined, to potential pressure or intimidation, thereby affecting the fairness of the trial.

ANALYSIS

6. This Court has considered the rival submissions and examined the material placed on record, including the 164 statement of the minor daughter, 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 the Indian Evidence Act, 1872.⁴ For that presumption to arise, the prosecution must, at least *prima facie*, demonstrate: (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.

7. In the present case, the first two elements are, at this stage, not in dispute. The marriage took place on 1st December, 2016, and the death occurred on 4th April, 2023, due to ingestion of poison. The core issue, even at the threshold, concerns the third requirement, namely, whether there is material to indicate that the deceased was subjected to cruelty or harassment “soon before her death” and whether such treatment bears a proximate nexus with any alleged demand for dowry.

8. The prosecution places reliance on the statement of the minor child, aged about six years, recorded under Section 164 Cr.P.C., to establish a proximate link between the alleged dowry-related cruelty and the death. In that statement, the child attributes physical assault to the Applicant on the night preceding the incident, including allegations of beating and burning. At the same time, as confirmed by the APP for the State, the post-mortem report does not record any external injuries, burn marks, or other signs of recent physical violence on the body. The statement of a child witness is certainly relevant and cannot be disregarded; however at this stage, it can only be observed that given the young age of the witness, the delay in

⁴ “the Evidence Act”



recording the statement, and the absence of medical corroboration of recent assault, its ultimate weight and reliability will require careful evaluation at trial.

9. The prosecution also relies on the statement of the complainant (father of the deceased), who asserts that on 03rd April, 2023, the deceased spoke to her mother and complained of harassment, pressure to bring money, and loss of will to live. Beyond these assertions, however, the material presently available does not disclose any specific, time-linked instance of dowry-related harassment in close proximity to the death, save for a general allegation of a monetary payment in 2018 and broad references to past ill-treatment.

10. There is also reference to a conversation retrieved from the deceased's phone between her and her father-in-law, in which the deceased voices certain grievances. However, on the material on record, it is not shown that the conversation makes any specific reference to dowry or to a demand for money soon before the incident, or that it records an occurrence directly connected with the circumstances leading to the death. Whether this conversation, read with other statements, ultimately satisfies the "soon before" requirement is a matter that will fall for fuller examination at trial.

11. At this stage, the absence of medically-corroborated injuries and the lack of proximate, time-linked allegations of dowry demand cast a *prima facie* doubt on whether the necessary live link between alleged cruelty and the death stands made out. 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 that parties may adduce at trial and cannot be pre-judged at the bail stage.



12. As per the nominal roll, the Applicant has undergone custody of more than 2 years and 6 months. The investigation stands completed and a chargesheet has already been filed. Charges have been framed and the matter is now pending for recording of prosecution evidence. Out of 29 cited witnesses, none has been examined so far. There is no material before this Court to suggest that the Applicant has any past criminal antecedents, nor has any specific instance been pointed out where he attempted to abscond or interfered with the investigation. In these circumstances, it is reasonable to proceed on the footing that the trial will take further time to reach conclusion. The Supreme Court has repeatedly cautioned that prolonged pre-trial incarceration, once investigation is over and the accused is no longer required for custodial interrogation, must be approached with care, particularly in the context of Article 21 and the right to a speedy trial.

13. 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.⁵ While 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.

14. 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

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



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 stringent conditions.

15. 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;
- 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;



16. 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.
17. 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.
18. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 26, 2025