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

% ***Date of Decision:23rd November, 2026***

\# **CNR No. DLHC010550042026**

\+ BAIL APPLN. 4910/2026

RAMESHWAR .....Petitioner

Through: Mr. Hariom Goyal and Ms. Khushi Singhal, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Raj Kumar, APP for the State.
SI Paramjeet, PS Ranhola

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present petition has been filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), on behalf of the petitioner, i.e., Rameshwar, S/o Bhagwan Singh, seeking grant of anticipatory bail in connection with the First Information Report ("FIR") being *FIR No. 467/2026* dated 24th July, 2026, registered under Sections 80/85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("2023"), at Police Station ("PS") Ranhola, Outer District, Delhi.

2. This Court is informed that the petitioner had earlier filed a petition before the Additional Sessions Judge ("ASJ") (FTSC) RC-01, West Tis Hazari Court, Delhi, seeking anticipating bail, however, the same was dismissed *vide* order dated 02nd November, 2026, passed in *Bail Application*

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1750/2026.

3. The present FIR was registered on the statement of Radha Mohan, i.e., the father of the deceased, wherein it is alleged as follows:

3.1. The eldest daughter of Radha Mohan, namely, Lakshmi, aged around 24 years, was married on 09th March, 2023, to one Jitender @ Vikki.

3.2. Two months after their marriage, Jitender @ Vikki started torturing the deceased with demands of a four-wheeler car. The mother-in-law of the deceased, namely Guddi, demanded Rs. 5,00,000/- (Rupees Five Lakh Only), the sister-in-law of the deceased, namely, Anita, claimed that it was customary to give a gold necklace, and the father-in-law of the deceased, i.e., the petitioner herein stated that the father of the deceased had promised a plot of land which he failed to provide.

3.3. It is alleged that on the basis of the aforesaid demands, the family members residing in the matrimonial home of the deceased abused, harassed, and physically assaulted her. Despite the father of the deceased requesting them not to physically abuse his daughter, they persisted in their abusive behaviour.

3.4. Deeply distressed by the ongoing harassment, the father of the deceased visited her matrimonial home and told her in-laws that he was unable to fulfil their demands, and requested them not to torture his daughter. In response, the mother-in-law of the deceased allegedly threatened that if all the demands were not met, they would induce an abortion of the deceased, who was then seven months pregnant.

3.5. After the father of the deceased returned home, he was informed by the husband of the deceased that she had hanged herself. Upon receiving this information, the complainant and his wife arrived in Delhi on 24th July 2026

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and appeared before the Sub-Divisional Magistrate on the same day.

4. In support of the present application, learned counsel appearing for the petitioner has made the following submissions:

4.1. The petitioner is a 60 year old man, and has been falsely implicated in the present case.

4.2. The present FIR arises out of a matrimonial dispute between the husband and the wife and does not involve the petitioner, who is the father-in-law of the deceased.

4.3. The petitioner was not at home when the deceased undertook such a drastic step.

4.4. The deceased was hypertensive and could not tolerate minor disputes and domestic quarrels arising out of day-to-day matrimonial life with her husband.

4.5. Despite a specific allegation against co-accused Anita, i.e., the sister-in-law of the deceased, that the jewellery given by the father of the deceased is in her possession, she has been granted anticipatory bail *vide* order dated 13th October, 2026, passed by the ASJ (FTSC) RC-01, West, Tis Hazari Court, Delhi, in *Bail Application 1566/2026*.

4.6. The chargesheet against the husband has already been filed.

4.7. The petitioner has been made a scapegoat, as no dowry demand was made by him and only customary gifts were exchanged between the families at the time of the marriage of the son of the petitioner with the deceased.

4.8. The petitioner did not receive any notice under Section 35(3) of the BNSS to join the investigation, and proceedings under Section 84 of the BNSS have been instituted against him.

5. Learned Additional Public Prosecutor ("APP") for the State

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vehemently opposes the present application on the ground that there are serious allegations against the petitioner.

6. He submits that the present case pertains to dowry death and the petitioner being the father-in-law of the deceased was residing in the same house.

7. He further submits that the petitioner has been absconding and proceedings under Section 84 of the BNSS have been instituted against the petitioner.

8. The learned APP for the State submits that the petitioner cannot claim parity with co-accused Anita, as she was granted interim protection to join the investigation and she was married 12 years prior to the marriage between her brother and the deceased and was residing separately.

9. It is further submitted that no Non-Bailable Warrants ("NBWs") or proceedings under Section 84 of the BNSS are pending *qua* co-accused Anita.

10. This Court has heard the learned counsels and perused the material on record.

11. At the outset, it is to be noted that the power to grant anticipatory bail is an extraordinary power, which is to be exercised with due care and caution, having regard to the nature and gravity of the accusation, the role attributed to the petitioner, the possibility of the petitioner fleeing from justice and the need for custodial interrogation.

12. Reliance may be placed upon the case of ***Srikant Upadhyay and Others Versus State of Bihar and Another, (2024) 12 SCC 382***, wherein, the Supreme Court has held that the power to grant anticipatory bail is an extraordinary power and must be exercised with caution in serious cases, where its grant may result in miscarriage of justice and significantly hamper

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the investigation, as it may lead to tampering with or destruction of evidence. The relevant paragraph of the judgment reads as under:

> *"xxx xxx xxx*
>
> ***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 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.*
>
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

13. This Court notes that the deceased was married to the son of the petitioner on 09th March, 2023, and died by hanging herself at her matrimonial home within 03 years of their marriage and while she was seven months pregnant. The same raises the statutory presumption under Section 113 of the Indian Evidence Act, 1872 ("Evidence Act"), corresponding to Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 ("BSA"). Further, the father of the deceased has specifically alleged that from two months after the marriage, the

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deceased was subjected to harassment and physical assault on account of demands for a four-wheeler car, cash, a gold necklace and a plot of land.

14. In this regard, it is apposite to refer to the order dated 10th July, 2024, passed by a Single Bench of this Court in ***Raja Ram Versus State of NCT of Delhi, BAIL APPLN. 2355/2024***, wherein the following was observed:

> *"xxx xxx xxx*
> ***26. It is pertinent to note that the deceased has admittedly died an unnatural death within seven years of her marriage in her matrimonial home. The same raises the statutory presumption under Section 113 of the Indian Evidence Act, 1872. The applicant is the father-in-law of the deceased who has been specifically named in the complaint. It is also relevant to note that the applicant did not deem it proper to inform about the death of the victim to the investigating authorities despite the unnatural circumstances of her death. The fact of unnatural death was informed to the Police by a friend of the deceased on a PCR call. It was informed that the deceased had marks on her neck.***
>
> *27. The Hon'ble Apex Court in the case of* ***Samunder Singh v. State of Rajasthan and Others : (1987) 1 SCC 466****, while dealing with a case of dowry death, observed that the Hon'ble High Court ought not to have exercised the discretion to grant anticipatory bail disregarding the gravity of the matter. It was held as under:*
>
> > *"The widespread belief that dowry deaths are even now treated with some casualness at all levels seems to be well grounded. The High Court has granted anticipatory bail in such a matter.* ***We are of the opinion that the High Court should not have exercised its jurisdiction to release the accused on anticipatory bail in disregard of the magnitude and seriousness of the matter. The matter regarding the unnatural death of the daughter-in-law at the house of her father-in-law was still under investigation and the appropriate course to adopt was to allow the concerned Magistrate to deal with the same on the basis of the material before the court at the point of time of their arrest in case they were arrested. It was neither prudent nor***

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> ***proper for the High Court to have granted anticipatory bail which order was very likely to occasion prejudice by its very nature and timing.*** *We therefore consider it essential to sound a serious note of caution for future. The High Court is under no compulsion to exercise its jurisdiction to grant anticipatory bail in a matter of this nature…"*
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> *28. It is argued that there was no demand of dowry soon before the death of the victim. It is trite law that the spectrum of cruelty is varied and the phrase "soon before" cannot be held to mean "immediately before" the death of the victim [Ref. Gurmeet Singh v. State of Punjab : (2021) 6 SCC 108]. Whether there was a proximate and live link between the harassment for dowry and death of the victim cannot be determined at this stage when the investigation is in the early stages.*
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

15. The learned counsel for the petitioner has submitted that the present case arises out of a matrimonial dispute between the deceased and her husband, and that the petitioner being the father-in-law has been falsely implicated. This submission cannot be accepted at this stage. The allegations in the FIR are not confined to the husband of the deceased alone. It is noted that the complainant has attributed specific demands to each of the in-laws, and the petitioner is alleged to have stated that the father of the deceased had promised a plot of land and had failed to provide it.

16. This Court further notes that it is an admitted position that the petitioner was residing in the same house as the deceased. The allegations are, thus, of a collective and continuing harassment of the deceased by the family members residing in the matrimonial home, culminating in her unnatural death.

17. Further, it was submitted on behalf of the petitioner that the deceased was hypertensive and could not tolerate minor disputes and domestic quarrels arising out of day-to-day matrimonial disputes with the husband of the

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deceased. The said submission has shocked the conscience of this Court, especially, in light of the fact that a woman has lost her life by hanging herself in her matrimonial home, when she was in an advanced stage of pregnancy. This Court is of the view that an allegation of dowry death must be considered with the utmost seriousness.

18. Further, as regards the contention that the petitioner did not receive any notice under Section 35(3) of the BNSS to join the investigation, and proceedings under Section 84 of the BNSS have been instituted against him, the same cannot be challenged by way of a petition seeking pre-arrest bail under the extraordinary powers of the Court.

19. Additionally, the conduct of the petitioner does not inspire the confidence of this Court. As per the prosecution, he has been absconding and has not participated in the investigation. It is also to be noted that proceedings under Section 84 of the BNSS have been instituted against the petitioner.

20. This court is of the view that a person who has evaded the process of law cannot seek the discretionary relief of pre-arrest bail as a matter of right. In this view, the plea of parity with the co-accused Anita who has been granted bail does not assist the petitioner. Parity is not a mechanical rule. It depends on the role attributed to each accused and on their conduct after the offence, including, their cooperation with the investigation. The ground of parity is, therefore, rejected.

21. In view of the aforesaid, and considering the seriousness of the allegations, the role attributed to the petitioner, the pendency of the proceedings under Section 84 of the BNSS and the need for custodial interrogation, this Court finds no ground to grant anticipatory bail to the petitioner at this stage.

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22. Accordingly, the present petition is dismissed.

23. It is clarified that the observations made hereinabove are only for the purpose of deciding the present bail petition and shall not affect the merits of the case during trial.

MINI PUSHKARNA, J

NOVEMBER 23, 2026/Ni

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