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

% ***Date of Decision: December 10, 2025***

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\+ BAIL APPLN. 3859/2025 & CRL.M.A. 30083/2025, CRL.M.(BAIL) 2058/2025

BABITA .....Applicant

Through: Mr. Bharat Singh, Advocate.

versus

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

Through: Mr. Sunil Kumar Gautam, APP for the State with Insp. Ravi Kumar, PS BHD Nagar.
Mr. Arjun Mahajan, Mr. Raghvendra N. Budhiraja, Mr. Aryan Verma and Ms. Bhavya Arora, Advocates for complainant.

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\+ BAIL APPLN. 3860/2025 & CRL.M.A. 30089/2025, CRL.M.(BAIL) 2060/2025

GAURAV .....Applicant

Through: Mr. Bharat Singh, Advocate.

versus

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

Through: Mr. Sunil Kumar Gautam, APP for the State with Insp. Ravi Kumar, PS BHD Nagar.
Mr.Arjun Mahajan, Mr. Raghvendra N. Budhiraja,

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Mr. Aryan Verma and Ms. Bhavya Arora, Advocates for complainant.

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\+ BAIL APPLN. 3953/2025 & CRL.M.A. 30833/2025, CRL.M.(BAIL) 2107/2025

POOJA .....Applicant

Through: Mr. Bharat Singh, Advocate.

versus

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

Through: Mr. Sunil Kumar Gautam, APP for the State with Insp. Ravi Kumar, PS BHD Nagar.

Mr. Arjun Mahajan, Mr. Raghvendra N. Budhiraja, Mr. Aryan Verma and Ms. Bhavya Arora, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The present petitions have been field under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS'**) seeking pre-arrest bail in FIR No.278/2025 dated 29.08.2025, registered at Police Station Baba Haridas Nagar, for the offence under Sections 80/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**').

2. Succinctly stated, the deceased victim/Smt. Monika was married to the Sh. Gaurav *(Applicant in BAIL APPLN. 3860/2025)* and Smt. Babita *(Applicant in BAIL APPLN.*

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3859/2025) was the mother-in-law, while Smt. Pooja *(Applicant in BAIL APPLN. 3953/2025)* was the sister-in-law, of the victim.

3. It is alleged that on 16.08.2025, *vide* DD No. 72A, information was received from the RTRM Hospital regarding a person/deceased Monika, aged 31 years, was brought dead *vide* MLC dated 16.08.2025.

4. Since, the death was within seven years of marriage under unnatural circumstances, the statement of the deceased's father/ Sh. Dharamraj was recorded on 17.08.2025, by the Tehsildar/Executive Magistrate, Najafgarh, wherein he alleged that the deceased was his elder daughter, who got married to the Applicant/Gaurav and they had a three-month old child out of the wed-lock. He further alleged that on the date of the incident, it is suspected that Gaurav had consumed some toxic substance, which scared his deceased daughter, after which he received a phone call from the sister-in-law and mother-in-law of the victim informing him that both Monika and Gaurav had consumed some toxic substance and his daughter has expired. He further alleged that the victim's money was being misappropriated and unauthorizedly used by the applicants, which was the main reason for discord between the victim and her in-laws.

5. Consequently, the inquest proceedings under Section 196 of the BNSS, were conducted and on 26.08.2025, the father of the deceased/Sh. Dharmaraj filed a complaint bearing ICMS No. 81760092500812 at Police Station Baba Haridas Nagar, against the Applicants herein, praying for legal action against them for deceitful marriage, misappropriation of money and murder of his

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daughter. Thus, the subject FIR was registered.

6. It is alleged that during the enquiry proceedings of DD no.72A, dated 16.08.2025 revealed that the deceased Monika was a patient of depression. Further, the Post-Mortem Report i.e PMR No. 266 dated 17.08.2025 of deceased Monika was obtained from RTRM Hospital, Jaffarpur, New Delhi as per which *no external injury marks were found present over the body*, however, the cause of death is kept pending till viscera analysis report is obtained.

7. The learned Counsel for the Applicants submits that the Applicants herein have been falsely implicated in the present case. He submits that the initial complaint given by the father of the victim, is bereft of any allegations of dowry demand.

8. He further submits that it is undisputed that Gaurav was the second husband of the victim and the victim had been suffering from severe depression following the tragic suicide of her first husband.

9. He further submits that on an earlier occasion, the victim had signed a handwritten note dated 10.05.2024, expressing threat to her life from her father/the Complainant and her brother/Sahil, due to her relationship with the Applicant/Gaurav.

10. He further submits that shortly before her demise, on 11.08.2025, the deceased had recorded her video statement in which she stated her health has deteriorated because of her parents and her brother, absolves the applicants herein.

11. He submits that the Complainant and his family condemned her relationship with the Applicant/Gaurav, and did

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not even attend their marriage.

12. He further submits that just before the incident, the victim had an argument with her father, due to which, she took her life. He further submits that the father had put the blame of the suicide on the applicants herein without any corroborative evidence and the allegations were also sought to be embellished belatedly.

13. He further submits that the central allegation of financial misappropriation is demonstrably false as the Bank statements of the deceased show a meagre balance at the time of her marriage belying any claims of financial gain by the Applicant from the deceased Monika.

14. He further submits that the custodial interrogation is not required as the applicants have joined the investigation and are willing to cooperate.

15. *Per contra*, the learned Additional Public Prosecutor for the State and the learned Counsel appearing on behalf of the complainant, vehemently oppose the grant of any relief to the applicants herein.

16. It is submitted that the deceased suffered harassment at the hands of the applicants and was compelled to commit suicide because of their behaviour. It is further submitted that there is a presumption against the applicants that they caused death owing to the demand for dowry.

17. It is submitted that during investigation, the Complainant had provided certain screenshots of WhatsApp chats between Monika and her sister Sonika which reflect that the deceased was not happy with her marriage; transcript of certain call recordings,

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photographs of Jewellery of Monika, Mobile phone of the deceased Monika and empty strips of "*Quitipin 25 Tablets"* and *"Zapiz 2 Tablet"* suspected to have been given/taken by the deceased resulting in her death.

18. He submits that the viscera of the deceased, empty strips of tablets and the mobile phone of the deceased have been sent for FSL and the result is awaited.

19. Hence, it is submitted that the investigation is at a nascent stage, the allegations are serious in nature and custodial interrogation of the applicants is required, thus, the present bail applications are liable to be rejected.

20. Submissions heard and material placed on record perused.

21. While determining the parameters in granting pre-arrest bail, the Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre v. State of Maharashtra,*** **(2011) 1 SCC 694** held as under:

> *"112. .....*
> *(i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
> *(ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
> *(iii) The possibility of the applicant to flee from justice;*
> *(iv) The possibility of the accused's likelihood to repeat similar or other offences;*
> *(v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
> *(vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*
> *(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with*

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> *even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
> *(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
> *(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
> *(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."*

22. It is to be borne in mind, that while considering an application of anticipatory bail, this Court is required to examine whether the materials collected till date reveal such foundational facts even *prima facie*, without embarking upon a detailed evaluation of evidence.

23. In the present case, admittedly, the complainant's statement recorded during the inquest proceedings does not contain any specific allegation of dowry demand at any identifiable point of time. Rather, the allegation is of *suspicion* that some toxic substance was consumed by the victim herself and the applicants misappropriated the deceased's money and that marital discord existed between them. The nature of such a general assertion of financial disagreement or suspicion of misappropriation will be tested during the course of trial.

24. Undisputedly, the post-mortem report reveals no external injury and keeps the cause of death pending till the viscera analysis, ruling out for the present any material suggesting

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physical cruelty.

25. Strong reliance has been placed on the conversations between the deceased and her sister to suggest that the deceased was unhappy in her marriage. It was also stressed upon that during investigations the statements of the sister and brother of the victim were recorded wherein they have stated that she was being tortured by her in-laws and on 16.08.2025, the victim had come to live with at the house of her father at Kirari Suleman Nagar, Nangloi, Delhi, due to a quarrel with her in-laws. It has also been argued that the deceased was being forced by her mother-in-law to give her child to the sister-in-law. It is also alleged that the victim used to complaint about her mother-in-law and the sister-in-law, stating that Gaurav was more influenced by them.

26. Admittedly, the conversation relied upon for the complainant is of February and March, 2025, while the incident is of August, 2025. The same *ex-facie* reflect matrimonial disagreements, emotional distress arising within a marriage, or expressions of unhappiness, and the probative value of such conversations, is a matter of evidence and cannot, at this stage, be treated as conclusive material against the applicants.

27. Pertinently, the applicants, on the other hand, have produced certain materials which introduce an alternate narrative that cannot be discarded outright at this stage.

28. A handwritten note dated 10.05.2024, allegedly written by the deceased, indicating apprehension from her father and brother regarding her relationship with the applicant Gaurav, has been

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placed on record by the Applicants.

29. It is also reflected in the status report filed, that a PCR call was received *vide* 72A dated 11.05.2024 in Police Station Prem Nagar, made by the father of the victim alleging that his daughter had locked herself in the home and is trying to commit suicide. However, the victim stated that her parents were torturing her for wanting to marry as per own will

30. Even a video statement, allegedly recorded on 11.08.2025, wherein the deceased attributes the strain in her mental health to her parental family, has also been placed on record by the Applicants. It has also been stated that the family members of the deceased never approved of her relationship with Gaurav and had extended threats due to which the victim made the aforementioned video statement.

31. The status report further mentions that the medical documents and treatment papers of the deceased were also verified from the Civil Hospital, Rohtak and Spadent Hospital, Najafgarh, and it was revealed that deceased started her treatment on 05.12.2022 and was diagnosed with Mdd. Depressive episodes and adjustment disorders. At Spadent Hospital, she was diagnosed with mixed anxiety and depression and on her last visit on 05.12.2024, she was diagnosed with symptoms such as low moods, fatigue, decreased sleep and suicidal thoughts, possibly due to multiple life stressors.

32. Even the deceased's past history of severe depression following her first husband's suicide is also undisputed, and the empty medicinal strips recovered *(such as Quitipin and Zapiz*),

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whether point towards her ongoing psychiatric treatment again can be only determined after evidence is led by the parties.

33. Needless to say, that the credibility, admissibility, and weight of these materials are matters to be tested during the course of a full-fledged trial.

34. However, in the opinion of this Court, at this stage, while considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused.

35. The investigation appears largely dependent on documentary and digital evidence i.e. viscera report, mobile phone extraction, WhatsApp communications, bank statements, and call recordings, all of which are already collected or have been sent for forensic examination.

36. Admittedly, the applicants have joined the investigation after the grant of interim protection and the Investigating Agency has not demonstrated any act of non-cooperation on their end. No specific apprehension of flight risk, tampering of evidence, or influencing of witnesses has been presented. It is also not in dispute that the antecedents of the applicants are clean.

37. It is not in doubt that order for grant of bail cannot be passed in a routine manner so as to allow the accused to use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest.

38. Hence, though offence as alleged is heinous in nature,

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however, it cannot be lost sight of the fact that the object of jail is not punitive but to secure the presence of the accused during the trial. In cases where the accused has joined the investigation, cooperating with the Investigating Agency and is not likely to abscond, the custodial interrogation should be avoided.

39. However, appropriate conditions ought to be imposed to allay any apprehensions of the applicants miscuing the liberty.

40. In view of the above, it is directed that the applicants, in the event of arrest, be admitted on bail on furnishing a bail bond for a sum of ₹50,000/- each, with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

a. The applicants shall join and cooperate with investigation as and when directed by the Investigating Officer;
b. The applicants shall not leave the country without the permission of the learned Trial Court;
c. The applicants shall not contact the complainant or the family members of the deceased or tamper with the evidence in any manner;
d. The applicants shall give their mobile numbers to the concerned IO/SHO and shall keep their mobile phone switched on at all times;
e. The applicants shall provide their residential address to the concerned IO/SHO and shall keep their mobile phone switched on at all times;

41. In the event of there being any FIR/DD entry/complaint

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lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

42. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications 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.

43. This Court appreciates the effort put in by Mr. Arjun Mahajan Advocate (Mob. No. 9811923428) in addressing arguments on behalf of the victim/Complainant, on the request of this Court.

44. The Delhi High Court Legal services Committee is directed to pay the fees to the learned Counsel, as per the scheduled rates and rules.

45. The above applications are allowed in the aforementioned terms.

46. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

DECEMBER 10, 2025
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