



2025:DHC:9471



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 29th October 2025***+ **BAIL APPLN.2701/2025 & CRL.M.A.21009/2025****MITHALESH DEVI**

W/o Sh. Ramesh Chandra

R/o M-146, Street No.9,

3rd Floor, Shastri Nagar, Delhi-110092.

.....Applicant/Accused

Through: Mr. Kundan Chandrvanshi, Mr.
Ankur Yadav, Mr. Anuj Goswami &
Mr. Aslam Khan, Advocates.

versus

1. **STATE OF NCT OF DELHI**Through I.O/SHO,
P.S. Sarai Rohilla.2. **ARJUN SINGH RATHORE**

S/o Late Sh. Vinod Rathore

R/o 35/178/F1, Nagla Bhawani Singh,

Bandu Katra, Agra, Uttar Pradesh-282001.

.....Respondents

Through: Mr. Pradeep Gahlot, APP for the
State with SI K.L. Kuldeep, PS Sarai
Rohilla.
Mr. Shiva Nand Mishra, Advocate for
Complainant.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (Oral)**



NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 482 read with Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as “BNSS”*) has been filed on behalf of the ***Applicant Mithalesh Devi*** for grant of ***Anticipatory bail*** in case FIR No.358/2025 dated 27.06.2025 under Sections 80(2), 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as “BNS”*) registered at Police Station Sarai Rohilla, Delhi.
2. It is submitted that the Applicant is 56 years old lady with no prior criminal antecedents. She apprehends her arrest in the present FIR, which has been registered on the Complaint of Arjun Singh, brother of her deceased daughter-in-law, Kanchan, making allegations of dowry harassment and causing death of the deceased.
3. The Applicant has joined the investigations and has cooperated during the investigations. Despite the absence of any direct role, specific allegation or material evidence, Anticipatory Bail has been dismissed by learned ASJ on 11.07.2025 thereby exposing her to imminent arrest solely on the basis of vague, omnibus and post-facto allegations made through supplementary statements. The Applicant has been granted Interim Protection by the Ld. ASJ vide order dated 09.07.2025 in her Bail Application.
4. It is contended that no prima facie case is made out against the Applicant. Although the FIR names her and her family members but it contains only omnibus, vague allegations attributing no specific role to her.
5. Furthermore, MLC issued by NKS Hospital, Gulabi Bagh records the *cause of death as “self-fall from the third floor” with minimal injuries*



noted i.e an abrasion and deformity on the left elbow. There is no sign of physical assault, strangulation or poisoning. The Post Mortem Report confirms the cause of death as “**hemorrhage and shock as a result of blunt force impact**” ruling out homicidal violence and reinforcing the accidental or suicidal nature of the fall, which negate the core ingredients of Sections 80(2) and 85 BNS.

6. MLC and Post Mortem Reports categorically rule out any strangulation, physical assault or poisoning. The injuries observed are consistent with the fall from a height. There is no suicide note, dying declaration, CCTV footage or any independent material linking the Applicant to the demise of the deceased.

7. It is further submitted that deceased Ms. Kanchan had a *documented history of depression* following the death of her father in December, 2024. She was undergoing psychiatric treatment at Max Healthcare and Jeevan Mala Hospital since January, 2025. These records show *diagnosis of depressive disorder with symptoms such as low mood, disturbed sleep, excessive thinking and anxiety.* The Applicant was understanding and sympathetic of the deceased’s condition and supported her in whatever possible way.

8. The WhatsApp chats exchanged between the deceased and the her husband between 12.05.2024 to 25.06.2025 also show that they had a relationship of love and affection and these chats are entirely devoid of any complaint, tension or reference of any harassment of the deceased by the Applicant.



9. The marriage of the Son of the Applicant with the deceased was solemnized on 12.11.2024 and was in Delhi with the mutual consent of both the parties. Both sides equally contributed Rs.10 lakhs each towards the Rs.20 lakh wedding budget. Photographs show the Applicant's relatives participating in all ceremonies with joy and goodwill. The groom's family purchased jewellery worth Rs.35,206/- on 08.11.2024. The allegations of dowry demand such as Rs.1.2 lakhs, Rs.3 lakhs, Rs.80,000/-, Rs.5 lakhs in cash and Rs.2.5 lakhs for the '*Bela*' ceremony, are entirely false and fabricated. Prior to the marriage, the Son of the Applicant had purchased a Tata Nexon car. The deceased's family was warmly invited to the vehicle delivery celebration, which was attended by both the families together.

10. It is claimed that couple were having cordial and happy marital relationship. To buttress these contentions, it is further stated that soon after their marriage on 12.11.2024, the deceased and the Son of the Applicant had gone for honeymoon to Andaman Island and had visited Mukteshwar, Uttarakhand and later to the native village of the Applicant, which all reflected the normal affectionate marital relationship. There are no complaints or discord and the photographs and travel records stands as strong evidence of mutual bond and compatibility.

11. On 27.05.2025 the couple watched movie which further shows their mutual cordiality. On 25.06.2025 one day before the unfortunate incident, they had gone to see a movie at Liberty Cinema, Karol Bagh which is corroborated by electronic tickets and payment bills.



12. It is submitted that the Applicant resides on the 4th floor of the same building with her elder children and had cordial and loving relationship with the deceased, who used to address her as “mummy” with affection.

13. The allegations made against the Applicant by the Complainant, in the subsequent statement under Section 180 BNSS are vague, omnibus and are result of legal advice. The investigation is flawed, biased and appears to be directed towards creating a false narrative.

14. It is submitted that there was no coercion, demand or pressure on the bride side. The equal sharing of marriage expenses by itself does not constitute an offence under Section 3(5) BNS nor can it be interpreted as a dowry transaction. The Courts have consistently held that customary gifts and shared wedding expenses without proof of coercion or unlawful demand do not attract criminal liability.

15. It is submitted that there are no specific date, time or overt act of cruelty, harassment or dowry demand mentioned in the FIR. Reliance is placed on Geeta Mehrotra vs. State of U.P (2012) 10 SCC 741, wherein it has been held that general and bald allegations against the in-laws without precise particulars are legally insufficient and cannot be sustained.

16. An independent witness i.e. an elderly woman residing in the building opposite the matrimonial home, had witnessed the deceased accidentally falling while putting wet clothes outside the window by using a plastic chair. Despite her willingness, the IO has not recorded her statement and suppressed crucial exculpatory evidence.

17. The presumption under Section 118 BSA is rebuttable in the present case. The clear evidence of the pre-existing psychiatric condition, cordial



domestic relations and complete absence of any specific allegation of cruelty or demand against the Applicant. The presumptions must be weighed carefully against the facts and circumstances and cannot be substitute proof. The presumption in the present case stands fully rebutted.

18. There is no requirement of custodial interrogation of the Applicant, who has already joined and fully cooperated. She is not a flight risk.

19. The deceased's brothers are serving in the Indian Army and Navy respectively and are beyond any threat or influence, eliminating the remotest apprehension of witness tampering or intimidation, by the Applicant. The Applicant has joined the investigation on three dates and had fully cooperated with the I.O.

20. It is submitted that the Applicant recently underwent a major gynaecological surgery at Jeevan Mala Hospital on 12.07.2024 and was discharged on 13.07.2024. The surgery involved a total laparoscopic hysterectomy with bilateral salpingo-oophorectomy and pelvic floor repairs. She continues to require post-operative medical care and regular follow-up. In view of her recent surgery and the ongoing need for medical attention, her custodial interrogation would cause undue physical and mental hardship.

21. It is submitted that investigations are complete and no purpose would be served in arresting the Accused. Reliance is placed on Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273 and Satender Kumar Antil vs. CBI (2022) 10 SCC 51, wherein it has been held that routine arrests in matrimonial disputes should be avoided, especially when the accused has cooperated and no custodial interrogation is warranted. Bail is a Rule and Jail is the



Exception. The Applicant undertakes to comply with the Court directions and not to leave the jurisdiction of this Court.

22. Hence, a prayer is made that he be granted Bail.

23. ***The Status Report has been filed on behalf of the State, which is taken on record***, wherein it has been explained that DD No.61A dated 26.06.2025 was received at Police Station Sarai Rohilla, wherein it was mentioned that Ms. Kanchan aged 32 years, wife of Sonu Rathor (Son of the Applicant) resident of Shastri Nagar, Delhi had been brought *dead* with injury on her left elbow and no other visible injury. The investigations were done. The MLC of the injured was obtained, wherein the alleged history was that it was a case of self fall from third floor as told by the attendant Mr. Mohan.

24. Enquiry was conducted during which it was found that deceased Kanchan was married to Sonu Rathore, Son of the Applicant approximately 7-8 months back. The SDM was informed for necessary action. The crime scene was inspected. The SDM on 27.06.2025 recorded the statement of Smt. Meena Devi and Sh. Arjun Singh mother and brother of the deceased. Mr. Arjun Singh made allegations of dowry demands and cruelty by in-laws of the deceased. He also raised doubt about the circumstances of the death of Ms. Kanchan. The present FIR No.358/2025 was accordingly registered.

25. Post Mortem Report was collected. Pursuant to the directions of learned Sessions Judge, on 10.07.2025 the Applicant joined investigations and the Interrogation Report was prepared. It is further stated that family members of the deceased have joined investigations and their statements under Section 180 BNSS have been recorded, wherein they have alleged that



from the beginning of their relationship there were persistent and unreasonable demands for dowry made by the family members of the Applicant. They further claimed that in response to these demands, the deceased's family had transferred Rs.10 lakhs online to the family of the Applicant before the marriage and Rs.5 lakhs cash at the time of engagement. Rs.2.5 lakhs cash was given at the event of 'Bela' and before the marriage the Applicant received Rs.1 lakh from the account of the deceased. It was further alleged that after marriage deceased was subjected to torture, harassment by the Applicant along with her family members with an intent to compel her to fulfil her demand for a new high-end car instead of previous one. On the day of incident, she was also tortured and harassed by the Applicant.

26. The Bank Statements of the deceased family have been obtained, which clearly show that approximately Rs.10 lakhs were transferred by the family of the deceased to the family members of the Applicant. Medical treatment papers of the deceased have been verified from the concerned Hospital/Departments and the Reports have been obtained. The Viscera of the deceased as well as two mobile phones have been forwarded to FSL for expert opinion.

27. The Bail Application *is opposed on the ground* that the allegation are serious in nature. The custodial interrogation of the Applicant is required.

28. *Learned counsel for the Petitioner has submitted* that the parties had got married on 14.11.2024. At the time of marriage, as per the arrangement 50% expenditure was borne by the Applicant's family while remaining 50% by the family of the deceased. Rs.10 lakhs approx. had been paid by the



family of the Applicant while Rs.10 lakhs had been given for the marriage expenditure by the family of the deceased.

29. It is further submitted that throughout their married life, Applicant and the deceased had amicable relationship and had mutual love and affection, which is evident not only from the extensive mobile chats that have been placed on record but also from the photographs of them being together and looking happy and content.

30. It is further argued that there was no Complaint whatsoever that was made by the deceased or by her family members alleging dowry demands. These allegations are nothing but an afterthought and have been made in the Supplementary statements recorded subsequently. The FIR is of two line, wherein no allegation whatsoever against the Applicant or the family members is made.

31. It is explained that there was a space in front of window where a cloth line had been put for hanging clothes. On the day of incident while hanging the clothes by getting on the chair, she fell out of the window and died. It is further argued that the deceased suffered from depression on the demise of her father in December, 2024. She has been under medication and treatment, which is evident from the medical reports of Jeevan Mala and Max Hospital. Her medical condition as reflected in the medical records can also not be ignored.

32. It is further submitted that the witnesses are the mother and brothers of the deceased who are employed in Indian Army and Navy and there is no likelihood of the Applicant influencing any of those witnesses. It is also



submitted that the son of the Applicant has already been granted Anticipatory Bail by this Court vide order dated 27.10.2025.

33. *It is, therefore, submitted that the Applicant is entitled to Bail.*

34. **The APP for State, however, has opposed the Bail on the ground** that there are serious allegations which have emerged in the statement of the mother and the brother that there were excessive demand after the marriage of the parties. Furthermore, after talking to the husband, the deceased had talked to her brother on phone, about half an hour before the incident. The statement of brother of the deceased has been recorded who stated that the deceased informed her about the dowry harassment. The brother also stated that there was a constant harassment about which the deceased had been informing to her mother since the day of marriage. It is stated that there are serious allegations of dowry, and death has taken place within less than one year of marriage. There is a presumption under Section 118 (B) Indian Evidence Act/118 BSA and the Applicant is not entitled to Bail.

35. **Ld. Counsel for the Complainant has filed the objections to the Anticipatory Bail which is taken on record.** It is argued that the Applicant subjected the deceased to mental cruelty by making derogatory remarks and demanding dowry. She allegedly humiliated the deceased by taunting that her son is an officer and that the deceased was not of her standard. The Applicant was present at the time of the incident, and therefore, there is a likelihood that she may tamper with the evidence.

36. In respect of the medical condition of the Applicant, no document has been placed on record to establish that she is presently suffering from any ailment. It is submitted that the law relating to dowry offences clearly



provides for a presumption under Section 118 of BSA and the Applicant was present at her residence at the time of the incident.

37. It is further submitted that even if it is assumed that the deceased committed suicide, there arises a presumption of abetment in view of the dowry demands made by her in-laws. It is stated that a demand of ₹20 lakhs was made by the accused persons.

38. The son of the Applicant being an officer in the Health Department, there exist strong probabilities that the evidence may be tampered with and the witnesses may be influenced.

39. *Accordingly, it is prayed that the present Anticipatory Bail Application be dismissed.*

Submissions heard and record perused.

40. It is an unfortunate case where a young lady had met with an unnatural death on 26.06.2025 i.e. barely after seven months of her marriage to the Applicant on 14.11.2024. While it has been claimed that Rs.10 lakhs had been given prior to the marriage, but it is the case of the Applicant that Rs.20 lakhs were spent on the marriage, which was shared equally by both the parties, which explains the transfer of Rs.10 lakhs to the family members of the Applicant. It is vehemently denied that there was any dowry harassment.

41. It is not in dispute that no Complaint whatsoever, was made by the family members of the deceased or the deceased herself during her lifetime in regard to harassment. There are Whatsapp chats placed on record between the Applicant and the deceased which do not reflect any kind of acrimony; rather the conversations are not only cordial but also reflect the mutual love



between them. Pertinently, in the FIR, no specific allegation has been made against the Applicant.

42. The Applicant is 56 years old lady. She has joined the investigation and is not likely to tamper with the evidence or the witnesses. A specific query was put to the learned APP for the State to point out the specific allegations or dowry harassment made in the statements of the witnesses, however, he has conceded that there are no specific dates mentioned in the Statements, but are general allegations of demand of Rs.10 lakhs and a car of better model, had been made.

43. This Court, *vide* order dated 27.10.2025, has also granted anticipatory bail to the husband of the deceased.

44. Considering the totality of circumstances, it is directed that in the event of his arrest, the Applicant shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer/ Trial Court, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
- (iii) The Petitioner shall furnish his mobile phone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.



2025:DHC:9471



(iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.

(v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

45. The Petition stands disposed of in the above terms. The observations made herein are not an expression on the merits of the case.

46. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2025

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