

[2026 LiveLaw \(SC\) 452](#)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

**J.B. PARDIWALA; J., VIJAY BISHNOI; J.**

SLP (Crl.) No. 6716/2026; 30 April, 2026

**MAHESH CHAND versus STATE OF UTTAR PRADESH & ANR.**

**Criminal Law — Cancellation of Bail — Dowry Death - Bharatiya Nyaya Sanhita, 2023; Sections 85, 115(2), 352, 351(2) and 80 — Bharatiya Sakshya Adhiniyam, 2023 - Section 118 [Erstwhile Section 113(B) of the Evidence Act] — Dowry Prohibition Act, 1961; Sections 3 and 4 — Serious Crimes Against Women — Principles governing grant/cancellation of bail - Egregious Error by High Court - The Supreme Court set aside an order of the Allahabad High Court granting bail to a husband accused of murdering his wife for dowry, holding that the High Court committed an egregious error in exercising its discretion in favor of the accused given the serious nature of the crime – i. Presumption as to Dowry Death - The High Court erred by completely ignoring the statutory presumption under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA) - In cases where a woman dies under suspicious circumstances in her matrimonial home within seven years of marriage and faced continuous dowry harassment soon before death, the Court is mandated to presume that such person caused the dowry death; ii. Misreading of Facts & Evidentiary Value of FIR - The High Court's reliance on an alleged "delay in lodging the FIR" as a primary ground for bail was baseless and factually incorrect - The deceased died on 11.07.2024, and the FIR was promptly lodged the next day on 12.07.2024 - Even if a minor delay exists, it cannot independently justify releasing an accused on bail in a serious offense like dowry death; iii. Duty of Bail Courts: A bail court at any level must remain highly cautious to ensure its orders do not convey a message to society that courts take serious crimes against women lightly.**

*[Relied on In Re: Enforcement and Implementation of Dowry Prohibition Act, 1961 [2005] INSC 295; Paras 16-31]*

[Arising out of impugned final judgment and order dated 27-08-2025 in CRMBA No. 14304/2025 passed by the High Court of Judicature at Allahabad]

*For Petitioner(s): Mr. Ashutosh Dubey, AOR Mr. Ashutosh Dubey, Adv. Mr. Anirban Tripathi, Adv. Mrs. Rajshri Dubey, Adv. Mrs. Vatsala, Adv. Mr. Abhishek Chauhan, Adv. Mr. Amit Shahi, Adv. Mr. Rishabh Bhardwaj, Adv. Mr. Rahul Sethi, Adv. Mrs. Rekha Chaudhary, Adv. Mr. Dev, Adv. Mr. R Anbhule, Adv. Mr. Govind Kashyap, Adv.*

*For Respondent(s): Dr. Vijendra Singh, AOR Mr. Kumar Abhinandan, Adv. Mr. Pradeep Kumar Arya, Adv. Mr. N.K. Rath, Adv. Mr. Gaurav Chaudhary, Adv. Mr. Vaibhav Choudhry, Adv. Mrs. Neetu Rath, Adv. Mr. Anubhav Rath, Adv. Ms. Akshika Chaudhary, Adv. Ms. Poornima Singh, AOR Mr. Rishabh, Adv.*

**ORDER**

1. Leave granted.
2. Mahatma Gandhiji once said, “Any young man who makes dowry a condition to marriage discredits his education and his country and dishonours womanhood.”
3. This appeal arises from the order passed by the High Court of Judicature at Allahabad dated 27.08.2025 in Criminal Miscellaneous Bail Application No. 14304 of 2025 by which the bail application preferred by the respondent no.2 before us (original accused) (husband of the deceased) came to be allowed.
4. We take notice of the fact that the respondent no.2 was married to the deceased. The marriage was solemnized on 08.02.2019. As per the case of the prosecution soon

after marriage the husband and his family members started harassing the deceased for want of dowry.

5. On 11.07.2024 the deceased was found dead under suspicious circumstances at her matrimonial home.

6. In such circumstances, the father of the deceased lodged a First Information Report registered as case Crime No. 667 of 2024 dated 12.07.2024 with Kavi Nagar Police Station, District Ghaziabad, State of Uttar Pradesh. The First Information Report reads thus: -

*"I respectfully submit that my daughter Ritu Chaudhary was married on 08.02.2019 at Rambagh Farm, Govindpuram, Ghaziabad with Prince, son of Devendra, resident of Sadarpur, Police Station Kavinagar, Ghaziabad. In this marriage, I spent more than my capacity and approximately Rs 30 lakh, which included one car I-20, registration number UP-15 CD-3363, and cash of about Rs.10 lakh. I also gave household articles, jewellery, clothes, etc.*

*However, the dowry given in the marriage was not satisfactory to my daughter's-in-laws. living in joint family including her husband Prince Chaudhary, mother-in-law, Beena Chaudhary, father-in-law Devendra Chaudhary, brothers-in-law Amar and Vishal Chaudhary, uncle Virendra Singh and aunt Neeta Chaudhary, and grandfather-in-law Balram Chaudhary. They started demanding an additional car (Fortuner), and cash of Rs. 10 lakh as additional dowry.*

*When the demand was not fulfilled they used to beat my daughter, abuse her, and subject her to physical and mental cruelty, keeping her hungry and thirsty. Many times my daughter and I expressed our inability to fulfill further dowry demands. They threatened that if their demand was not fulfilled, they would kill my daughter by hanging her.*

*The i20 car given in marriage got damaged in an accident, therefore they were demanding a Fortuner car. For the safety of my daughter and under pressure of dowry demand, I transferred Rs. 4 lakh from the bank accounts of my son Anoop Kumar and my second son-in-law Tarun Kumar to the bank account of uncle Virendra with their consent. I also gave cash of Rs. 5 lakh several times to the husband and inlaws, but even thereafter the harassment for dowry continued.*

*On 11.07.2024 at about 7:30 AM, I spoke to my daughter for one last time. She was very frightened and told me while crying that her inlaws were beating and harassing her for dowry for several days and threatening to kill her by strangling or hanging.*

*Thereafter, on 11.07.2024 at about 1:45 PM, uncle Virendra Informed my son Anoop Kumar on mobile number 9958266675 that since the dowry demand was not fulfilled. Prince, Amar and Prashant together strangled my daughter and hanged her, killing her, and told us to do whatever we could.*

*On receiving this information, I reached my daughter's in-laws' house with my family members but did not find her there. Neighbors informed that after killing my daughter, her in-laws had taken her to Sarvodaya Hospital, Ghaziabad. When I reached Sarvodaya Hospital, my daughter's dead body was found there. Injury marks were present on her neck and body, and none of her in-laws were present there.*

*Therefore, I have come to lodge this report.*

*Kindly take legal action. Date: 12.07.2024 Signature:*

*Mahesh Chand*

*S/o Late Shri Ramchand*

*Resident of Village Udaipur, Police Station*

*Jhangirpur, District Bulandshahr*

*Present address: House No. 74, Gali No. 8, Om Sai Garden, Chīpiyana Buzurg, Police Station Bisrakh, Gautam Buddh Nagar Mobile: 9639153703,*

9958266675

*Accused Persons:*

1. *Prince Chaudhary (Husband)*
2. *Devendra Chaudhary (Father-in-law)*
3. *Beena Chaudhary (Mother-in-law)*
4. *Amar Chaudhary (Brother-in-law)*
5. *Vishal Chaudhary (Brother-in-law)*
6. *Virendra Singh (Uncle)*
7. *Neeta Chaudhary (Aunt)*
8. *Balram Chaudhary (Grandfather-in-law)*

*All residents of Sadarpur, Ghaziabad.*

*- for harassing the complainant's daughter for dowry, assaulting her, abusing her, threatening to kill her, and murdering her by strangulation/hanging."*

7. In all eight persons have been shown as accused in the FIR.

8. Investigation was carried out and charge-sheet came to be filed against the respondent no. 2 and his parents for the offence punishable under Sections 85, 115(2), 352, 351(2) and 80 of the Bharatiya Nyaya Sanhita, 2023 respectively (for short, "the BNS, 2023") and Sections 3 and 4 respectively of the Dowry Prohibition Act, 1961 (for short, "Act, 1961").

9. The committal of the criminal case culminated in Sessions Case No.805 of 2024 pending as on date in the Court of Additional District Judge, Court No.3, Ghaziabad.

10. The respondent no.2 first prayed for bail before the Sessions Court. The Sessions Court declined to release the respondent no.2 on bail, and accordingly rejected the bail application. The respondent no.2 thereafter went before the High Court and prayed for bail. The High Court, by way of the impugned order released the respondent no.2 on bail.

11. Some of the observations made by the High Court in its impugned order reads thus:-

*"13. In the case of Thulia Kali vs The State of T.N. AIR 1973 SC 501 the Supreme Court has held that the First Information Report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay the report not only gets bereft of the advantage of spontaneity danger creeps in of the introduction of coloured version, exaggerated account, or concocted story as a result of deliberation and consultation.*

*14. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the cause of death, being asphyxia as a result of ante-mortem hanging and the informant was present at the time of inquest proceedings conducted within the jurisdiction of the same police station and delay in lodging the FIR, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail.*

*The bail application is allowed."*

12. Thus, it appears on plain reading of the impugned order that what weighed with the High Court in the exercise of its discretion is delay in lodging the FIR and the cause of death being asphyxia. Except the aforesaid, no other good ground has been assigned by the High Court for grant of bail to the accused in such a serious crime.

13. The appellant being the father of the deceased is here before us with present appeal seeking to get the bail cancelled.

14. We heard Mr. Anirban Tripathi the learned counsel appearing for the appellant, Mr. Vijendra Singh, the learned counsel appearing for the State and Mr. Pradeep Kumar Arya, the learned counsel appearing for the respondent no.2, respectively.

15. We are of the view that the High Court committed an egregious error in exercising its discretion in favour of the accused more particularly having regard to the serious nature of the crime.

16. When bail is prayed for, the High Court is expected to consider the nature of the crime and a *prima facie* case. The allegations levelled by the father in the FIR do disclose more than a *prima facie* case. It is not in dispute that the deceased died while at her matrimonial home within seven years of marriage. There being serious allegations of demand of dowry and incessant harassment caused to the deceased, the High Court should have kept in mind the provisions of Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 (for short, the "BSA") [erstwhile Section 113(B) of the Evidence Act].

17. Section 118 of the BSA reads thus:-

*"118. Presumption as to dowry death.—When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death, such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death."*

18. Besides the aforesaid, we also looked into the post mortem report, which is on record. In the post mortem report, the following ante mortem injuries have been noted:-

*"1. Neck circumference is 37 cm. Ligature mark of size 32 x 2 cm present around the neck, A gap of 5 cm present on the right side of neck Ligature mark is 2 cm below right ear 4 cm below left ear and 5 cm below chin subcutaneous tissue underneath ligature is white, hard and glistening.*

*2. Contusion of size 1 x 1 cm over right arm, 6 cm above right elbow joint.*

*3. Contusion of size 1 x 0.5 cm over face just below lower lip (in the middle). 4. Contusion of size 3 x 1 cm over left cheek.*

*5. Contusion of size 4 x 1 cm over right cheek.*

*6. Contusion of size 4 x 1 cm over left side of chest, 13 cm below left nipple.*

*7. Contusion of size 3 x 2 cm over outer side of right arm, 12 cm above, right wrist joint*

*8. Abrasion of size 4 x 0.5 cm over Right arm, 3 cm away from injury no.7."*

19. We are at pains to observe that the High Court has not even recorded the facts correctly far from the erroneous line of reasonings assigned for the purpose of grant of bail to the accused in a serious crime like dowry death. The High Court has talked about delay in the registration of the FIR and its effects. We fail to understand the basis for the High Court to say that there was a delay in the registration of the FIR. The deceased died on 11.07.2024 and no sooner the parents learnt about the death of their daughter then on the very next date, i.e., on 12.07.2024 the FIR came to be lodged at the concerned police station. Where is the delay in the registration of the FIR. Assuming for the moment that there was some delay in lodging the FIR, should that by itself in a serious crime like dowry

death be a ground to release the accused on bail? It seems that the High Court remained completely oblivious of Section 118 of the BSA referred to above.

20. The High Court should have also looked into the post mortem report. The post-mortem report indicates that there was a ligature mark of 32 X 2 cm all around the neck. What does this indicate? This prima facie indicates that the deceased was strangled to death? The cause of death is asphyxia due to strangulation. This aspect will be looked into by the trial court when the doctor enters the witness box and gives his expert opinion as regards the exact cause of death.

21. Over a period of time, we have noticed that in the State of Uttar Pradesh, young girls just married are being killed mercilessly at their matrimonial home for want of dowry. Either they are forced to commit suicide due to incessant harassment or are murdered for want of more dowry. A young girl gets married with many dreams, she would like to make them true. A newly married girl would always yearn to live a happy marital life. She would also yearn for love and affection from her husband and the family members of her husband. She would long to raise a family. A young girl does not get married to be killed mercilessly at her matrimonial home for want of dowry. This is a serious problem in some sections of the society in this country, more particularly in the States of Uttar Pradesh, Bihar and Karnataka respectively.

22. Despite being given better educational opportunities and encouragement to be independent, women continue to bear the brunt of dowry demands even after marriage.

23. This Court in its decision titled *In Re : Enforcement and Implementation of Dowry Prohibition Act, 1961 reported in [2005] INSC 295* made fitting observations on this issue. We quote the relevant observations: -

*“Possibly, a social revolution is needed to put an end to the menace. Refusal by the bride’s father to pay dowry, refusal of the girls to get married if dowry is insisted upon, and the attaching of a social stigma to those who demand dowry can alone ultimately put an end to this system or at least reduce its prevalence.*

x x x x x

*The conscience of society needs to be fully awakened to the evils of the dowry system so that the demand for dowry itself should lead to loss of face in the society for those who demand it. We have no doubt that our young and enlightened women would rise to the occasion to fight the evil which tends to make them articles of commerce. We also hope that our educated young males would refuse to be sold in the marriage market and come forward to choose their partners in life in a fair manner.”*

24. Aditya Mukherjee, a journalist in one of his articles printed in Free Press Journal has rightly said that in India, where a daughter is traditionally considered *paraya dhan*, there exists a deeply ingrained, yet often unspoken, custom of parents or guardians giving ‘gifts’ at weddings, hoping to secure their daughter’s happiness in her marital life. However, things don’t end there, as in many cases, the groom and his family begin pressuring the newly married bride for additional dowry, demanding cash, cars, or other expensive items.

25. This often turns into a trap that many women realise, albeit too late, only after marriage. Before the wedding, the groom’s family rarely makes exorbitant demands, but once the marriage is formalised, they begin exerting pressure, believing that the bride’s parents will have no choice but to comply in order to maintain the marriage.

26. This marks the beginning of an insidious cycle of coercion and blackmail. In Indian marriages, an unwritten norm dictates that when the groom earns a handsome salary, the

bride's family often feels pressured to provide a larger dowry to avoid any displeasure on his part.

27. A total of 6,156 people lost their lives in dowry death cases in 2023. Uttar Pradesh again topped the chart with 2,122 deaths, followed by Bihar with 1,143. Dowry was listed as the motive in 833 murder cases across the country in 2023. Under the Act, 1961, 83,327 cases were up for trial in 2023, with 69,434 carried forward from earlier years. The year also saw 27,154 arrests under the Act, 1961 – 22,316 men and 4,838 women.

28. We do not want to observe anything further as the trial is pending. All that we want to convey is that a bail court at any level should remain very careful to ensure that its order like the one impugned before us should not be seen or read by the society at large that the courts are taking serious crimes against women very lightly. We are informed that only one witness has been examined so far. However, we are sure that the impugned order is not sustainable in law.

29. In the overall view of the matter, we are convinced that the bail granted to the respondent no.2 accused deserves to be cancelled. It is accordingly cancelled.

30. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside.

31. We grant one week time to the respondent no.2 to surrender before the jail authorities. Let the trial proceed expeditiously. We direct the Trial Court to see that the entire trial is completed within a period of one year from today.

32. It is needless to clarify that the guilt or the innocence of the accused shall be determined by the trial court strictly on the basis of the evidence that may come on record. The trial court shall not be influenced in any manner by any of the observations made by this Court in this order and the observations made by this Court shall not be construed as final expression of the guilt of the accused. They are only meant for the purpose of bail.

33. Pending application(s), if any, shall stand disposed of.

34. Registry shall forward one copy of this order to the Registrar-General of the Allahabad High Court who in turn shall place it before the Chief Justice of the High Court.

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