



2025:DHC:6092



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 25.07.2025*+ **BAIL APPLN. 1874/2025**

AJAY KUMAR

.....Petitioner

Through: Mr. Rohit Yadav, Ms. Gultash
Guron and Mr. Sahil Siddiqui,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (ORAL)**

1. By way of the present application, the applicant is seeking regular bail in case arising out of FIR bearing no. 83/2024, registered at Police Station Jaitpur, Delhi for the commission of offences punishable under Sections 304B/498A of Indian Penal Code. 1860 (hereafter '*IPC*').

2. Brief facts of the present case are that on 06.02.2024, upon receiving information *vide* DD No. 06A regarding the suicide of the applicant's wife, the police reached the spot and found the deceased, Mohini, aged 18 years, wife of the present applicant Ajay Kumar, hanging from a ceiling fan. The deceased had got married to the



applicant on 21.05.2023. The statement of the father of the deceased was recorded. A post-mortem was conducted, and it was opined that the cause of death was '*asphyxia due to ante-mortem hanging*'. It was further alleged by the complainant, i.e., the father of the deceased, that the applicant used to frequently quarrel with the deceased due to dissatisfaction with the dowry brought by her, and had been persistently demanding a motorcycle and a gold chain. The FIR in the present case was registered on the basis of the complaint made by the father of the deceased. According to the prosecution, the deceased was subjected to mental and physical harassment for dowry. On 05.02.2024, at about 09:00 PM, the deceased had made a video call to her father. During the call, the deceased was seen fighting with the applicant over the alleged non-fulfilment of dowry demands. The complainant stated that he tried to pacify the situation before going to sleep. However, around 03:00 AM, he received a call that his daughter had committed suicide.

3. The learned counsel appearing for the applicant submits that the applicant has no criminal antecedents and has been falsely implicated in the present case. He argues that the applicant cannot be kept behind bars for an indefinite period during the pendency of trial. It is further submitted that the post-mortem report reflects no external injuries on the body of the deceased, thereby suggesting that the applicant was not involved in any physical abuse leading to the incident. It is also contended that the prosecution's case is doubtful, as there is no credible evidence to indicate that the deceased was



subjected to cruelty or harassment for dowry ‘soon before her death’, as required under Section 304B of IPC. The learned counsel argues that occasional disagreements between a married couple are not uncommon and cannot be elevated to the level of cruelty or dowry harassment under the law. It is further submitted that the present case relies solely on the statements of the parents of the deceased, who reside in Hardoi, Uttar Pradesh, and were not in proximity to the deceased to be aware of the daily dynamics of her matrimonial life. The learned counsel also contends that the absence of any ante-mortem injuries corroborates the defence that this was a case of suicide, not abetted or caused by harassment. It is further stated in the bail application that the deceased was in a prior romantic relationship and was allegedly forced into marrying the applicant, which led to her sadness and depression. It is argued that she had made prior suicide attempts as well, but the Investigating Officer (I.O.) has failed to investigate these previous incidents. The learned counsel also submits that no specific date or time has been mentioned in the FIR regarding any demand for dowry, and therefore, the allegation remains vague and unsubstantiated. Thus, he prays that the applicant be granted regular bail as he has been in custody since 07.02.2024.

4. The learned APP for the State, on the other hand, opposes the bail application. He submits that the allegations against the applicant are grave and pertain to the death of a young woman under suspicious circumstances, within less than a year of marriage. The learned APP argues that there are specific allegations of dowry



demands made against the applicant, and that the deceased had clearly informed her father about the harassment, as evident from the video call made shortly before her death. It is thus prayed that the bail application be dismissed.

5. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the material on record.

6. After hearing the submissions of both sides and upon thoughtful consideration of the material on record, this Court is of the opinion that the arguments of the learned counsel for the applicant that the quarrel between the applicant and the deceased was a routine matrimonial disagreement cannot be accepted at this stage. The complaint of the father of the deceased, the contents of the FIR, and the sequence of events narrated therein indicate a pattern of harassment for dowry. It is clearly stated that the applicant used to demand a motorcycle and a gold chain from the deceased and would quarrel with her for not fulfilling these demands. The crucial piece of evidence at this stage is the video call made by the deceased to her father on the night of the incident at about 09:00 PM, during which the complainant saw the applicant fighting with his daughter over dowry. The complainant resolved the issue temporarily, only to receive a call a few hours later at around 03:00 AM, informing him that his daughter had committed suicide. Thus, in view of these sequence of events, particularly the proximity of the quarrel and the alleged harassment to the time of death, the contention of the applicant that the deceased was not being harassed or tortured for



demands of dowry, ‘soon before her death’, is of no use to the applicant.

7. Further, the argument of the applicant that the present FIR was registered on the complaint of two ‘private witnesses’, who do not even stay in Delhi, is not only strange but far removed from the reality of Indian society. The deceased was married in Delhi by her parents, who reside in Hardoi, U.P. After getting their daughter married to a man residing in Delhi, they do not become “private witnesses” *qua* their own daughter – they remain her parents forever. Just because they married their daughter into another city does not make them strangers or private individuals with no knowledge about her mental state or day-to-day married life. It is also evident in the present case that the parents of the deceased were neither strangers nor unaware of how their daughter was being treated in her matrimonial home.

8. In India, the love and affection of parents for their daughters does not cease once the daughter’s life becomes tied with another family or man. They remain emotionally and deeply connected to their daughters even after marriage. Parents, after marrying their daughters into another family, do not disown or distance themselves from them – their daughters continue to live in their hearts. To even presume that parents, merely because they married their daughter into another city, would not know about her life or would become strangers in the social context, is a flawed and unrealistic argument in itself. In this era of advanced communication, parents remain



constantly connected with their daughters, both emotionally and virtually. That is exactly what happened in the present case. The deceased, while being harassed and traumatized for the demand of a motorcycle and a gold chain, and while the applicant was fighting with her, made a video call to her father. The complainant, having witnessed this argument, clearly stated in the very first line of the FIR: ***“I am the father of Mohini, who has committed suicide. My daughter Mohini was married to Shri Ajay Kumar on 21st May 2023. Immediately after the marriage, there was a lot of quarrel between my daughter and son-in-law, the main reason for which is not giving dowry. Yesterday on 05.02.2024 at around 9 pm, I had a conversation with my daughter on a video call. At that time also both of them were fighting. After that, after my persuasion, the fight calmed down a bit and I disconnected the phone after the conversation. My son-in-law used to drink alcohol almost every day. He used to fight with my daughter and beat her. After talking to my daughter on the night of 05.02.2024, I went to sleep after eating food. I went to the bathroom. At 3 am when I got up to go to the washroom, I got a call from my son-in-law Ajay that your daughter has committed suicide.”***

9. The learned counsel appearing on behalf of the applicant draws the attention of this Court to the testimonies of the witnesses recorded during trial and emphasizes that the same should be taken into account while deciding the present bail application, particularly as there are alleged contradictions in the testimonies and the essential



ingredients of the offence under Section 304B of IPC are stated to be absent. Therefore, for the purposes of deciding this application, the testimonies of the material witnesses already recorded during trial are also being considered.

10. This Court notes that PW-1, the father of the deceased, has supported the prosecution's case in material particulars. He deposed that *"Ajay Kumar kabhi paisa mangta tha aur kabhi gadi mangta tha aur is liye meri beti aur Ajay Kumar ke beech jhagda hota tha aur kehta tha ki chain do, angoothi do."* He further stated that on 05.02.2024, the deceased had made a video call to him, during which the accused was seen beating and quarrelling with her. PW-1 categorically deposed that he attempted to pacify the situation during the call and even questioned the accused as to why he was quarrelling with and physically assaulting his daughter. Tragically, within a few hours of this incident, he received a call from the applicant informing him that his daughter had committed suicide. In his cross-examination, PW-1 reiterated that the applicant used to beat the deceased almost daily due to non-fulfilment of dowry demands.

11. This testimony starkly reflects the helplessness of a father, who, during a live video call, could do nothing but watch his daughter being beaten by the man to whom she had been married only nine months prior. As is common in many households, the father did not report the matter to the police immediately, possibly out of a hope that the situation would resolve and his daughter would eventually find peace in her marriage. It is also a reflection of the



burden and emotional trauma that parents go through while witnessing abuse yet refraining from immediately reporting the matter to police, often with the desire to preserve the sanctity of the matrimonial bond and ensure their daughter's marriage survives. In his deposition, PW-1 also stated, *"I had not filed any complaint against the accused prior to the death of the deceased since I wanted my daughter to settle in her married life with the accused and I did not anticipate that she would die one day."* One only wishes that he could have reported the matter to someone, which might have prevented the unfortunate outcome.

12. PW-1 also deposed that he had requested the accused, when he had called to inform him about the death of his daughter, to at least show his daughter once on video call, so they could see her; however, the request was denied by the accused. The pain of being denied even that final glimpse of a daughter who had unfortunately passed away cannot be put in words. PW-1 has further stated in his examination-in-chief that after the incident, he had requested the police to allow him to speak to the accused, who was then in custody, even for a minute, as he wished to ask him why he had killed his daughter. However, this request too was not acceded to.

13. Similar is the testimony of PW-2, the mother of the deceased, who corroborated the allegations made by PW-1.

14. Therefore, at this stage, there is also no merit in the argument of the learned counsel for the applicant that the deceased was not harassed or tortured, or that the parents of the deceased had falsely



implicated the present applicant without any evidence or knowledge about the deceased being subjected to harassment by the applicant. A woman who is harassed, tortured, or ill-treated for non-fulfilment of dowry often has only her parents as her support system. They are her only emotional shelter, even if only through words and conversation. Within the confines of her matrimonial home, she often has no one else but her parents to turn to, to seek help, and to report the problems she is facing. When demands are made from her, it is her parents whom she informs, shares her distress with, and expresses what she is going through. This is precisely what is reflected in the complaint and in the statements of the parents in the present case.

15. The argument of the learned counsel for the applicant that no specific date or time has been mentioned regarding the demand of dowry, at this stage, is of little consequence when the prosecution witnesses are yet to be examined and the trial is yet to conclude. The marriage in question lasted less than nine months, and the deceased was barely more than 18 years of age. The alleged daily or consistent demands for dowry, and the short span in which the young woman was driven to take such an extreme step, by themselves point toward a troubling pattern. This very short-lived marriage ending in suicide would, in any case, have caused deep psychological and emotional trauma to the parents, who lost their young daughter within months of her wedding. Once the evidence is recorded and the cross-examination of all material witnesses is conducted, the veracity of the prosecution's case and the statements made will be judicially tested.



16. The testimonies of both PW-1 and PW-2 also disclose that the deceased was three months pregnant at the time of her death. This fact finds further corroboration from the post-mortem report, which records that a fetus measuring approximately 5.2 cm was present in the uterine cavity of the deceased. Medically, this indicates a pregnancy of around 12 weeks. At this stage of pregnancy, the fetus would have developed a heartbeat and was in the process of growth inside the womb of the deceased. Therefore, not only did the incident result in the loss of a young woman's life, but it also extinguished the life of the unborn child she was carrying.

17. An additional fact that bears mention is that two injuries were found on the toe of the deceased's body. Although, as argued by learned counsel for the applicant, the post-mortem report attributes these to 'post-mortem rodent activity', the MLC prepared at the time when the body was brought to the emergency ward by the police clearly records these injuries as being present at that time. The MLC further notes that the attendant accompanying the deceased had informed the doctor that these injuries were caused by rodents who had chewed the toe; and it is *prima facie* not the case that such rodent activity took place in the hospital. Be that as it may, the significance and evidentiary weight of these injuries are matters for the trial court to assess at the appropriate stage.

18. The arguments and the pleadings in the bail application suggesting that the deceased was in a relationship with her first cousin, was sad and depressed, and had previously attempted suicide



multiple times are also without merit, particularly since the deceased is no longer alive to defend herself against such claims – even as her character is being questioned. There is no material on record to show that any complaint was ever lodged by the applicant regarding the deceased's alleged prior suicide attempts. The contention that the I.O. failed to probe this aspect, therefore, carries no weight. In fact, if such serious incidents had indeed occurred within a short span of the nine-month-long marriage, it becomes all the more relevant to note that the applicant did not deem it appropriate to bring it to the knowledge of either the police or the parents of the deceased. It is also pertinent to note that during cross-examination, the defence gave multiple suggestions to PW-1 and PW-2, that the deceased was involved in a romantic relationship with her own first cousin. This suggestion was categorically denied by both the witnesses. Such defence is unfortunately now being taken when the victim is no more alive to answer these allegations.

19. The learned counsel for the applicant has also argued that the trial will take time to conclude and that the applicant cannot be detained indefinitely as he has been in custody since 07.02.2024. While it is true that the right to bail is a valuable right available to an accused, it is equally important to recognize and uphold the rights of the victim – especially in cases where the victim is no longer alive to narrate her version or seek justice for herself. The deceased, having lost her life, is not available to tell her story, and her right to justice must now be voiced by her family. The grief-stricken parents, now



prosecution witnesses in this case, are the only ones left to speak on her behalf and seek justice for the wrong done to her.

20. The three witnesses who have been examined so far before the learned Trial Court have supported the case of prosecution, and remaining prosecution witnesses are being examined. The punishment which can be awarded to the applicant, if convicted, would be a minimum seven years, which may extend to imprisonment for life. As held by the Hon'ble Supreme Court in ***X v. State of Rajasthan: 2024 SCC OnLine SC 3539***, in cases involving serious offences like rape, murder, dacoity, etc., the Courts should be loath in entertaining the bail application - once the trial commences and the prosecution starts examining its witnesses.

21. To conclude, this Court is of the opinion that while the right of an accused to be considered for bail is well-recognized in law, the Court cannot ignore the material on record at this stage, including the testimonies of the parents, the contents of the FIR, and the sequence of events preceding the death, which at this stage, collectively support the prosecution's case and *prima facie* disclose ingredients attracting the offence alleged. The right of the victim, especially a young woman who died while allegedly being harassed for dowry, and who was three months pregnant, must be given due regard. Her voice, now silenced forever, can only be heard through the evidence brought forth by her parents.

22. In view thereof, this Court finds no ground to grant regular bail to the applicant at this stage.



23. The present bail application is thus dismissed.

24. **It is clarified that a detailed order** in this case has been passed and evidence recorded so far has been looked into and considered since the learned counsel had vehemently argued that there were contradictions in the testimony of the deceased's parents and even the basic ingredients of the alleged offence were not made out in this case.

25. However it is **also clarified that the observations** made in this order are solely for the purpose of deciding present bail application, and the same shall have no bearing on the merits of the case during the trial.

26. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 25, 2025/A