2025 INSC 1367

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. of 2025
(Arising out of SLP (Crl.) No. 8075 of 2025)

YOGENDRA PAL SINGH … APPELLANT(S)

VERSUS

RAGHVENDRA SINGH ALIAS PRINCE AND ANOTHER … RESPONDENT(S)

J U D G M E N T

R. MAHADEVAN, J.

Leave granted.

2. The challenge in the present appeal is to the judgment and order dated 09.01.2025[1] passed by the High Court of Judicature at Allahabad[2] in Criminal Misc. Bail Application No. 7768 of 2024, whereby the High Court granted bail to Respondent No. 1 / accused, in connection with Case Crime No. 415 of 2023 registered at Police Station Kotwali, District Fatehpur, Uttar Pradesh, for

[1] Hereinafter referred to as "the impugned order"
[2] Hereinafter referred to as "the High Court"

offences punishable under Sections 498A, 304B, and 328 of the Indian Penal Code, 1860[3] read with Sections 3 and 4 of the Dowry Prohibition Act, 1961[4].

3. This appeal has been preferred by the appellant, who is the father of the deceased Aastha @ Saarika, seeking cancellation of bail granted to Respondent No. 1/ Accused – Husband, Raghvendra Singh @ Prince. The appellant's daughter died on 05.06.2023, i.e., within four months of her marriage, in highly suspicious circumstances by allegedly consuming poison.

4. The facts, as projected by the appellant, are as follows:

4.1. The appellant's daughter Aastha @ Saarika was married to Respondent No.1 – Raghvendra Singh @ Prince, on 22.02.2023 according to Hindu rites and rituals. At the time of marriage, the appellant spent approximately Rs. 22 lakhs in cash, gave articles worth Rs. 10 lakhs and jewellery worth Rs. 15 lakhs to the first respondent's family.

4.2. Soon after marriage, the deceased was subjected to cruelty and harassment by Respondent No. 1 and his family members on the pretext that the dowry given was insufficient. The accused persons persistently demanded a Fortuner car as additional dowry and subjected the deceased to mental and physical torture.

4.3. When the deceased came to her parental home during the *chhathi* ritual, she informed the appellant about the cruelty and demand for a Fortuner car. Ten

[3] For short, "IPC"

[4] For short, "D.P. Act"

days before her death, on 02.06.2023, she was again sent back to her matrimonial home only after assurance by Respondent No. 1 that such harassment would not be repeated.

4.4. On 04.06.2023, during a family function at Kaushambi, there was a quarrel between Respondent No. 1 and the deceased. Later that night, around 01.30 am, the deceased telephoned her elder sister Diksha in a distressed state, crying and seeking urgent help. At that time, she disclosed that Respondent No. 1 along with his relatives had forcibly administered some foul-smelling substance to her, due to which she was feeling uneasy.

4.5. The deceased was immediately taken to Sadar Hospital, Fatehpur, where she was found with froth emanating from her mouth. Despite medical intervention, her condition deteriorated and she expired while being shifted to Kanpur.

4.6. A post-mortem examination was conducted on 05.06.2023, but the cause of death was not initially ascertained. Thereafter, the viscera was sent to a forensic science laboratory for examination, and the FSL report confirmed the presence of aluminium phosphide poison.

4.7. Despite serious allegations, the police did not arrest the accused immediately. After investigation, charge sheet no.557 of 2023 dated 30.10.2023 was filed, implicating only Respondent No. 1/ husband, and excluding other named in-laws.

4.8. Respondent No. 1 approached the Sessions Court seeking bail, which was dismissed by order dated 20.10.2023. However, the High Court, by the impugned order, allowed his bail application.

4.9. Aggrieved thereby, the appellant is before this Court with the present appeal.

5. Learned senior counsel for the appellant assailed the impugned order granting bail to Respondent No. 1 on multiple grounds. It was submitted that the High Court failed to consider the gravity of the offence, the nature of evidence available against the accused, as well as the statutory presumption under Section 113B of the Indian Evidence Act, 1872, which squarely applies in cases of dowry death occurring within seven years of marriage.

5.1. It was contended that the present case involves the most serious allegations where the deceased was continuously harassed for dowry by Respondent No. 1 / husband, and in the course of such harassment, was poisoned to death on 05.06.2023, i.e., within four months of her marriage. According to the learned senior counsel, the post-mortem report records an ante-mortem injury – an abrasion on the left forearm – and the Forensic Science Laboratory report categorically confirmed the presence of aluminium phosphide poison, thereby corroborating the prosecution's case of homicidal poisoning.

5.2. Learned senior counsel placing reliance on the chargesheet, which records that the accused's uncle, Tej Bahadur Singh alias Ram Bahadur, is politically active, having contested the 2017 Assembly Elections, and owns several plots, agricultural lands, brick kilns, and multiple vehicles, submitted that the family of the accused is highly influential and wields considerable clout in the area. It is to be noted that though the uncle was initially arraigned as an accused along with his wife, Vijay Shri, their names were later dropped from the chargesheet, which according to the learned senior counsel, suggests that there could be serious doubts regarding the fairness of the investigation.

5.3. It was further submitted that the investigation in this case has been carried out in an impartial manner since the inception. Respondent No. 1/ husband was arrested only after three months of the FIR, while the other named accused were never arrested. The chargesheet filed on 30.10.2023 did not fairly reflect the involvement of all accused. In fact, the Assistant Prosecution Officer, Fatehpur, *vide* letter dated 16.11.2023, pointed out several deficiencies in the investigation and requested the Joint Director, Prosecution, Fatehpur to seek a fresh legal opinion after collecting the material evidence which had been ignored by the investigating officer. This eventually led to the transfer of the investigation to the CB-CID itself indicative of the gravity of the offence and the shortcomings in the earlier investigation.

5.4. Learned senior counsel argued that in such circumstances, any leniency shown towards the accused would severely prejudice the trial, as there exists a strong likelihood of tampering with the evidence and influencing the prosecution witnesses and the High Court, while granting bail, failed to appreciate this real and imminent threat.

5.5. It was also contended that the High Court committed an error in relying upon the judgments in ***Satender Kumar Antil v. CBI***[5] and ***Manish Sisodia v. Directorate of Enforcement***[6], since both these cases are clearly distinguishable based on the facts, nature of offence, period of incarceration, and the materials available against the accused. The settled principles governing bail in cases of dowry death under Section 304B IPC and the presumption under Section 113B of the Evidence Act were altogether ignored by the High Court.

5.6. On the basis of these submissions, learned senior counsel for the appellant prayed for cancellation of bail granted to Respondent No. 1, so as to ensure a fair and effective trial.

6. *Per contra*, the learned counsel for Respondent No. 1 / accused, at the outset, submitted that the present appeal is not maintainable, as there is no perversity, arbitrariness, or illegality in the well-reasoned order of the High Court granting bail. Once the discretionary relief of bail has been exercised

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[5] 2022 INSC 690

[6] 2024 INSC 595

judiciously on appreciation of material, it ought not to be interfered with by this Court in the absence of gross illegality or miscarriage of justice.

6.1. It was contended that the incident dated 05.06.2023 was first reported by the complainant *vide* G.D. Entry No. 019, which merely mentions the death of the deceased under suspicious circumstances, without any reference to dowry demand or cruelty. The FIR was lodged belatedly on 15.06.2023, after ten days and after the last rites, raising doubts about its genuineness.

6.1.1. During the investigation, statements of the deceased's family members introduced allegations of dowry demand her a Fortuner car and cruelty by Respondent No. 1 and his relatives. However, these allegations were absent in the initial report. Similarly, the allegation that the deceased made a distress call to her sister in the intervening night of 04/05.06.2023 complaining of being administered some "smelly substance" remains uncorroborated, as no call records substantiate the same.

6.1.2. The chargesheet dated 30.10.2023 was filed against Respondent No. 1 under Sections 498A, 304B, and 328 IPC read with Sections 3 and 4 of the D.P. Act. Notably, co-accused Tej Bahadur Singh and Vijay Shri, initially named in the FIR, were exonerated as their presence at the relevant point of time was established elsewhere, and they had no motive. Further investigation culminated in a final report dated 30.04.2025, which reaffirmed their innocence. The exoneration of these relatives significantly weakens the prosecution's version,

making it improbable that the alleged offence was committed by Respondent No.1 alone.

6.2. It was argued that the prosecution has relied solely on statements of interested witnesses – the father, mother, and sisters of the deceased, which according to the learned counsel, are not corroborated by independent or documentary evidence, and thus cannot be treated as conclusive proof of dowry harassment.

6.3. Learned counsel further submitted that the deceased was allegedly unwilling to marry Respondent No. 1 as she was in love with one Abhay Singh (brother-in-law of her elder sister).

6.4. It was submitted that the post-mortem report dated 05.06.2023 records a single abrasion of 1 cm x 1 cm on the left forearm, and the FSL report indicates aluminium phosphide ingestion as the cause of death. However, neither document establishes that the poison was administered by Respondent No. 1. The issue of whether poison was self-ingested or administered, and the significance of the forearm injury, are matters of trial.

6.5. Lastly, it was highlighted that Respondent No. 1 has already undergone more than 15 months of incarceration (from 22.09.2023 to 09.10.2025) and is willing to cooperate with the trial.

6.6. On these grounds, it was urged that the order granting bail to Respondent No. 1 calls for no interference by this Court.

7. Learned counsel for the State supported the case of the complainant, submitting as follows:

(i) Based on the complaint given by the appellant alleging that his daughter was killed by her in-laws on account of unmet dowry demands, FIR No.415/2023 dated 15.06.2023 was registered at P.S. Kotwali, District Fatehpur under Sections 498A, 304B, 120B and 328 IPC and Sections 3 and 4 of the D.P. Act against Respondent No. 1 and his family members.

(ii) The delay of ten days in lodging the FIR was explained by the appellant's mental condition, as he was in deep shock and grief after the sudden death of his daughter.

(iii) The post-mortem conducted on 05.06.2023 revealed an abrasion on the forearm, and the FSL report confirmed aluminium phosphide poisoning as the cause of death.

(iv) Statements of key witnesses – Abhay Singh (brother-in-law), the appellant (father), Premlata Singh (mother), and sisters (Sameeksha Singh and Diksha Singh) – recorded under Section 161 of the Code of Criminal Procedure, 1973[7] corroborated the allegations of dowry demand and cruelty mentioned in the FIR.

(v) Upon the appellant's representation, the investigation was transferred to CB-CID, which reaffirmed the findings of the local police.

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[7] For short, "Cr.P.C"

(vi) Chargesheet No. 557 of 2023 dated 30.10.2023 was filed only against Respondent No. 1, on which cognizance was duly taken by the Sessions Court.

(vii) The High Court failed to appreciate the seriousness of the offence – the unnatural death of a young woman within four months of marriage, amid specific allegations of dowry demands and poisoning. The High Court's order overlooked the gravity of the allegations and the societal menace of dowry deaths.

7.1. It was therefore submitted that the bail granted to Respondent No. 1 ought to be cancelled in the interests of justice.

8. We have considered the submissions of the learned counsel appearing for the parties and perused the materials available on record.

9. Apparently, criminal proceedings were initiated against Respondent No. 1 / Husband pursuant to a complaint lodged by the appellant / father in connection with the unnatural death of his daughter on 05.06.2023. FIR No. 415 of 2023 dated 15.06.2023 was registered against Respondent No. 1 and the in-laws of the deceased for offences punishable under Sections 498A, 304B, 120B and 328 IPC and Sections 3 and 4 of the D.P. Act. Upon completion of investigation, the chargesheet was filed only against Respondent No. 1 for offences under Section 498A, 304B and 328 IPC and Sections 3 and 4 of the D.P. Act. Respondent No. 1 was arrested on 22.09.2023. His Bail Application (No. 2225 of 2023) was rejected by the Sessions Court on 20.10.2023, following which he filed

Criminal Misc. Bail Application No. 7768 of 2024 before the High Court, which allowed the same, by the order impugned herein.

10. The appellant, being the father of the deceased, is undoubtedly an aggrieved person and thus possesses the requisite *locus standi* to maintain the present appeal seeking cancellation of the bail granted to Respondent No. 1. The unnatural death of his daughter within four months of marriage, allegedly on account of dowry harassment, directly affects his rights as a complainant.

10.1. In ***R. Rathinam v. State by DSP***[8], this Court has categorically held that the power under Section 439(2) Cr.P.C. to cancel bail may be invoked not only at the instance of the State but also by any aggrieved party.

10.2. Similarly, in ***Brij Nandan Jaiswal v. Munna @ Munna Jaiswal and another***[9], this Court observed:

> *"7. It is now a settled law that complainant can always question the order granting bail if the said bail is not validly passed. It is not as if once a bail is granted by any court, the only way is to get it cancelled on account of its misuse. The bail order can be tested on merits also. In our opinion, therefore, the complainant could question the merits of the order granting bail."*

10.3. Applying the above legal position to the present case, the appellant, being the complainant and father of the deceased, has a direct and substantial interest in seeking cancellation of bail. Accordingly, the present case is clearly maintainable before this Court.

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[8] (2000) 2 SCC 391

[9] Criminal Appeal No. 2087 of 2008 decided on 19.12.2008

11. The law relating to cancellation of bail is well settled. Recently, in ***State of Karnataka v. Sri Darshan, etc***.[10], this Court comprehensively reviewed the principles governing annulment and cancellation of bail. The Court distinguished between annulment of bail due to legal infirmity in the order, and cancellation of bail arising from post-bail misconduct or supervening circumstances. It is well established that bail granted without due application of mind to relevant factors – such as the gravity of the offence, *prima facie* evidence, or the antecedents of the accused – may be annulled. Courts must consider the totality of circumstances, balancing the presumption of innocence against the seriousness of the crime, societal interest, and risk of the misuse of liberty. For ready reference, the relevant paragraphs are extracted below:

> *"**15.** The statutory framework governing cancellation of bail is well-settled. Section 439(2) of the Criminal Procedure Code, 1973 empowers the High Court or the Court of Sessions to direct the re-arrest of an accused who has been released on bail, if such direction is deemed "necessary". Similarly, Section 437 (5) enables a Magistrate to cancel bail granted under Section 437(1) or (2). These provisions underscore the legislative intent that the power to grant bail is not absolute but is always subject to judicial reconsideration in light of emerging facts or legal infirmities in the original order.*
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> ***16.** It is equally well established that the considerations for grant of bail and for its cancellation are not identical. While the grant of bail involves a preventive evaluation of the likelihood of misuse of liberty, the cancellation of bail entails a review of the prior decision – either on account of supervening circumstances or because the original order was legally flawed. As laid down in **State (Delhi Administration) v. Sanjay Gandhi**[11], "Rejection of bail when bail is applied for, is one thing; cancellation of bail already granted is quite another". This principle reflects a recognition of the sanctity of liberty once granted, and the requirement of compelling justification for its withdrawal.*

[10] 2025 INSC 979
[11] (1978) 2 SCC 411

17. *However, it is equally well recognized that bail granted without due application of mind to relevant factors – such as the gravity of the offence, the strength of the evidence, or the conduct and antecedents of the accused – may be cancelled. Even in the absence of subsequent misconduct, a bail order that is perverse, unjustified, or legally untenable is vulnerable to interference. In* ***Dolat Ram v State of Haryana***[12]*, this Court held that "where a bail order is passed in disregard of material facts or in an arbitrary manner, it can be set aside".*

18. *Let us now examine the jurisprudence on when bail may be annulled or cancelled. Two distinct categories have emerged in this regard:*
(A) Annulment of Bail due to legal infirmity in the order; and
(B) Cancellation of Bail, i.e., revocation of bail due to post-grant misconduct or supervening circumstances.

(A) <u>Annulment of bail orders</u>
18.1. *This refers to the appellate or revisional power to set aside a bail order that is perverse, unjustified, or passed in violation of settled legal principles. It is concerned with defects existing at the time the bail was granted, without reference to subsequent conduct.*

18.2. *In* ***Prahlad Singh Bhati v. NCT of Delhi***[13]*, this court laid down guiding principles:*
"(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails conviction and the nature of evidence in support of the accusations.
(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.
(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.
(d) 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."

18.3. *In* ***Puran v. Rambilas and another***[14]*, it was held that a bail order can be set aside even in the absence of post-bail misconduct if it is found to be unjustified, illegal, or perverse.*

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[12] (1995) 1 SCC 349
[13] (2001) 4 SCC 280
[14] (2001) 6 SCC 338

18.4. *Similarly, in* ***Dr. Narendra K. Amin v. State of Gujarat and another***[15]*, a three-Judge Bench held that consideration of irrelevant materials renders the bail order vulnerable and liable to be set aside.*

18.5. *In* ***Prasanta Kumar Sarkar v. Ashis Chatterjee***[16]*, this Court held that where the High Court grants bail mechanically and without application of mind to material factors such as the gravity of the offence or antecedents of the accused, such an order must be set aside.*

18.6. *In* ***Prakash Kadam and others v. Ramprasad Viswanath Gupta and another***[17]*, this Court distinguished between cancellation of bail by the same court and annulment by an appellate / revisional court. It observed:*

> *"18. In considering whether to cancel the bail the court has also to consider the gravity and nature of the offence, prima facie case against the accused, the position and standing of the accused, etc. If there are very serious allegations against the accused his bail may be cancelled even if he has not misused the bail granted to him. Moreover, the above principle applies when the same court which granted bail is approached for cancelling the bail. It will not apply when the order granting bail is appealed against before an appellate/Revisional Court.*
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> *19. ..... There are several other factors also which may be seen while deciding to cancel the bail."*

18.7. *In* ***Neeru Yadav v. State of UP***[18]*, this court annulled a bail order where the High Court had ignored the criminal antecedents of the accused and relied mechanically on parity. It held that consideration of irrelevant factors and omission of relevant considerations renders the order perverse. As the court noted:*

> *"15. .... It is clear as a cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."*

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[15] 2008 (6) SCALE 415
[16] (2010) 14 SCC 496
[17] (2011) 6 SCC 189
[18] (2014) 16 SCC 508

It further clarified:

> *"18. Before parting with the case, we may repeat with profit that it is not an appeal for cancellation of bail as the cancellation is not sought because of supervening circumstances. The annulment of the order passed by the High Court is sought as many relevant factors have not been taken into consideration which includes the criminal antecedents of the accused and that makes the order a deviant one. Therefore, the inevitable result is the lancination of the impugned order."*

18.8. *In* ***Anil Kumar Yadav v. State (NCT of Delhi)***[19]*, this Court reiterated that while no exhaustive list can be laid down, courts must always consider the totality of circumstances, including the seriousness of the offence, prima facie evidence, and potential for interference with the trial.*

18.9. *In* ***State of Kerala v. Mahesh***[20]*, it was observed that even under Article 136, where interference with bail orders is rare, this Court will exercise its powers if the bail order is found to be lacking application of mind or based on irrelevant considerations.*

....

18.15. *Thus, it is clear that while cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. The distinction between annulment of bail orders due to perversity and cancellation for post-bail misconduct must be clearly understood and applied, ensuring a careful, calibrated, and constitutionally sound approach to the administration of criminal justice.*

19. *At this juncture, it is apposite to refer to the decision of this Bench in* ***Pinki v. State of Uttar Pradesh and another***[21]*, wherein, the bail granted to the accused therein was cancelled, after a detailed consideration of the facts and the gravity of the offence, namely, child trafficking as well as the legal principles. The Court underscored that while personal liberty is a cherished constitutional value, it is not absolute. Liberty must yield where it poses a threat to the collective interest of society. No individual can claim a liberty that endangers the life or liberty of others, as the rational collective cannot tolerate anti-social or anti-collective conduct. Emphasizing that bail jurisprudence is inherently fact-specific, the Court reiterated that each bail application must be decided on its own merits, in light of the well settled on its own merits, in light of the well-settled parameters governing grant or denial of bail...."*

[19] (2018) 12 SCC 129

[20] AIR 2021 SC 2071

[21] 2025 INSC 482

12. In the present case, Respondent No. 1 /accused was subjected to criminal prosecution for offences punishable under Sections 498A, 304B and 328 IPC read with Sections 3 and 4 of the D.P. Act, in connection with the unnatural death of his wife, who is the daughter of the appellant. The appellant alleges that his daughter was subjected to persistent torture and harassment for failure to provide a Fortuner car as additional dowry.

13. The post-mortem report reveals an abrasion on the left forearm of the deceased, approximately 8 cm above the wrist joint. The subsequent Forensic Laboratory Report on the chemical analysis of the viscera may indicate ingestion of a poisonous or unnatural substance. Therefore, the cause of death cannot be conclusively ascertained at this stage and is to be determined by the trial Court during the course of the trial.

14. The statements of witnesses recorded under Section 161 Cr.P.C. prima facie indicate that the deceased was subjected to persistent dowry demands and cruelty at the hands of the accused. Abhay Singh, the brother-in-law of the appellant's elder daughter, stated that the deceased repeatedly complained of harassment and abuse by her husband and in-laws on account of dowry demands, including the demand for a vehicle. The appellant further deposed that shortly before her death, the deceased disclosed to him that her husband and in-laws had forcibly made her consume a "smelly substance", after which she

collapsed and succumbed while being taken to Kanpur. This disclosure constitutes a dying declaration of high evidentiary value, corroborated by other witnesses.

14.1. The mother of the deceased, Premlata Singh, corroborated the appellant's statement, adding that she was in regular telephonic contact with her daughter, who narrated continuous torture for dowry. The younger sister, Sameeksha Singh, gave a concurrent statement, testifying that Respondent No. 1 used to threaten the deceased not to disclose the abuse, and frequently used abusive language. The elder sister, Diksha Singh, narrated the facts of the fateful night. She testified that the deceased had called her repeatedly around 1.30 am, crying and begging to be rescued. She further deposed that when her father asked the deceased at the hospital about what had happened, the deceased again said that her husband, uncle, and aunt had forcibly administered a "smelly substance" to her.

15. Despite such grave allegations, the police remained inactive for an inordinate period. Respondent No. 1 was arrested only on 22.09.2023, after a delay of 104 days from lodging the FIR, and the appellant addressed a representation to the Home Secretary seeking transfer to CB-CID. Such a delay reflects serious lapses in the investigation and undue benefit to the accused.

16. Without considering these aspects, the High Court erroneously granted bail to Respondent No. 1/ accused by observing that at the stage of bail only *prima facie* satisfaction is required, and that an elaborate evaluation of the merits of the case should be avoided. It invoked Article 21 of the Constitution, holding that bail is the rule and jail is the exception, and noted that there was no material to suggest that the accused was likely to abscond or tamper with witnesses.

17. The statutory framework embodied in Sections 304B and 498A IPC and Section 113B of the Evidence Act further highlights the need for careful and cautious consideration in such cases. Section 304B IPC classifies the death of a married woman occurring within seven years of marriage, preceded by dowry-related cruelty or harassment, as a "dowry death", punishable with imprisonment that may extend to life. Section 498A IPC criminalises cruelty by the husband or his relatives, including harassment for unlawful demands of dowry. In addition, Section 113B of the Evidence Act mandates a presumption of dowry death once such foundational facts are established. Collectively, these provisions reflect the legislature's firm resolve to combat the social evil of dowry and to safeguard married women from cruelty and harassment within their matrimonial homes.

17.1. In the present case, the marriage took place on 22.02.2023, and the death occurred on 05.06.2023 i.e. within four months of marriage. The dying

declarations to the father and elder sister, coupled with consistent testimony of relatives and post-mortem noting of an abrasion suggestive of restraint, satisfy the foundational requirements of Section 304B IPC. Consequently, the presumption under Section 113B of the Evidence Act arises inexorably against Respondent No. 1.

17.2. The High Court, however, failed to take this statutory presumption into account, and instead relied solely on general bail principles. This approach contradicts the law laid down in ***State of U.P. through CBI v. Amarmani Tripathi***[22], which requires courts to evaluate the gravity of the offence, the nature of accusations and the *prima facie* evidence while considering bail.

18. In ***Kans Raj v. State of Punjab***[23], this Court elaborated upon the presumption under Section 113B of the Evidence Act. It held that once the prosecution establishes that the death of a woman occurred otherwise than under normal circumstances within seven years of marriage, and that she was subjected to cruelty or harassment "soon before her death" in connection with a demand for dowry, a statutory presumption arises that the husband or his relatives caused the dowry death. The burden then shifts to the accused to rebut this presumption by showing the absence of dowry-related cruelty or lack of a causal link between such cruelty and the death. The Court emphasised that once the ingredients of Section 304B IPC are established, the presumption under

[22] (2005) 8 SCC 21
[23] (2000) 5 SCC 207

Section 113B of the Evidence Act becomes mandatory, and the proximity between harassment and death is a decisive factor in its application. The following paragraph is pertinent in this context:

> *"**9.** The law as it exists now provides that where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative for or in connection with any demand of dowry such death shall be punishable under Section 304B. In order to seek a conviction against a person for the offence of dowry death, the prosecution is obliged to prove that:*
> *(a) the death of a woman was caused by burns or bodily injury or had occurred otherwise than under normal circumstances;*
> *(b) such death should have occurred within 7 years of her marriage;*
> *(c) the deceased was subjected to cruelty or harassment by her husband or by any relative of her husband;*
> *(d) such cruelty or harassment should be for or in connection with the demand of dowry; and*
> *(e) to such cruelty or harassment the deceased should have been subjected to soon before her death.*
>
> ***10.** As and when the aforesaid circumstances are established, a presumption of dowry death shall be drawn against the accused under Section 113B of the Evidence Act. It has to be kept in mind that presumption under Section 113B is a presumption of law. …"*
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> ***15.** ….. "Soon before" is a relative term which is required to be considered under specific circumstances of each case and no straitjacket formula can be laid down by fixing any time-limit. This expression is pregnant with the idea of proximity test. The term "soon before" is not synonymous with the term "immediately before" and is opposite of the expression "soon after" as used and understood in Section 114, Illustration (a) of the Evidence Act. These words would imply that the interval should not be too long between the time of making the statement and the death. It contemplates the reasonable time which, as earlier noticed, has to be understood and determined under the peculiar circumstances of each case. In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. If the cruelty or harassment or demand for dowry is shown to have persisted, it shall be deemed to be "soon before death" if any other intervening circumstance showing the non-existence of such treatment is not brought on record, before such alleged treatment and the date of*

death. It does not, however, mean that such time can be stretched to any period. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough."

19. The above principle was reaffirmed in ***Rajinder Singh v. State of Punjab***[24], to the effect that once the prosecution establishes the ingredients of Section 304-B IPC, the presumption under Section 113B of the Evidence Act must be drawn. The words "soon before her death" have to be understood in a practical manner, and the proximity of the cruelty to the death must be established to invoke the presumption. The following paragraphs are apposite:

*"**24**... Days or months are not what is to be seen. What must be borne in mind is that the word "soon" does not mean "immediate". A fair and pragmatic construction keeping in mind the great social evil that has led to the enactment of Section 304B would make it clear that the expression is a relative expression. Time-lags may differ from case to case. All that is necessary is that the demand for dowry should not be stale but should be the continuing cause for the death of the married woman under Section 304-B.*

***25**...*
We hasten to add that this is not a correct reflection of the law. "Soon before" is not synonymous with "immediately before"."

20. This Court in ***Baijnath v. State of M.P.***[25], clarified the scope and operation of the presumption under Section 113B of the Evidence Act in conjunction with Section 304B IPC. The relevant paragraphs are usefully extracted below:

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[24] (2015) 6 SCC 477
[25] (2017) 1 SCC 101

*"**24.** ...As the prosecution is on the charge of the offences envisaged in Sections 304B and 498A of the Code, the provisions for reference are extracted hereunder:*

> *"**304B. Dowry death.-**(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. Explanation.-. For the purpose of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*
>
> *(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.*
>
> *...*
>
> ***498A. Husband or relative of husband of a woman subjecting her to cruelty.**—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*
>
> *Explanation.—For the purposes of this section, "cruelty" means—*
>
> *(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*
>
> *(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."*

***25.** Whereas in the offence of dowry death defined by Section 304B of the Code, the ingredients thereof are:*

> *(i) death of the woman concerned is by any burns or bodily injury or by any cause other than in normal circumstances, and*
>
> *(ii) is within seven years of her marriage, and*
>
> *(iii) that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of the husband for, or in connection with, any demand for dowry.*

The offence under Section 498A of the Code is attracted qua the husband or his relative if she is subjected to cruelty. The Explanation to this Section exposits "cruelty" as:

(i) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) or
(ii) harassment of the woman, where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

26. *Patently thus, cruelty or harassment of the lady by her husband or his relative for or in connection with any demand for any property or valuable security as a demand for dowry or in connection therewith is the common constituent of both the offences.*

27. *The expression "dowry" is ordained to have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961. The expression "cruelty", as explained, contains in its expanse, apart from the conduct of the tormentor, the consequences precipitated thereby qua the lady subjected thereto. Be that as it may, cruelty or harassment by the husband or any relative of his for or in connection with any demand of dowry, to reiterate, is the gravamen of the two offences.*

28. *Section 113B of the Act enjoins a statutory presumption as to dowry death in the following terms:*

*"**113B. 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 has 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.*

Explanation.-. For the purpose of this section, "dowry death" shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860)"

29. *Noticeably this presumption as well is founded on the proof of cruelty or harassment of the woman dead for or in connection with any demand for dowry by the person charged with the offence. The presumption as to dowry death thus would get activated only upon the proof of the fact that the deceased lady had been subjected to cruelty or harassment for or in connection with any demand for dowry by the accused and that too in the reasonable contiguity of death. Such a proof is thus the legislatively mandated prerequisite to invoke the otherwise statutorily ordained presumption of commission of the offence of dowry death by the person charged therewith.*

30. *A conjoint reading of these three provisions, thus predicate the burden of the prosecution to unassailably substantiate the ingredients of the two offences by direct and convincing evidence so as to avail the presumption engrafted in Section 113B of the Act against the accused. Proof of cruelty or harassment by the husband or her relative or the person charged is thus the sine qua non to inspirit the statutory presumption, to draw the person charged within the coils thereof. If the prosecution fails to demonstrate by cogent coherent and persuasive evidence to prove such fact, the person accused of either of the above referred offences cannot be held guilty by taking refuge only of the presumption to cover up the shortfall in proof.*

31. *The legislative primature of relieving the prosecution of the rigour of the proof of the often practically inaccessible recesses of life within the guarded confines of a matrimonial home and of replenishing the consequential void, by according a presumption against the person charged, cannot be overeased to gloss-over and condone its failure to prove credibly, the basic facts enumerated in the Sections involved, lest justice is the casualty.*

32. *This Court while often dwelling on the scope and purport of Section 304B of the Code and Section 113B of the Act have propounded that the presumption is contingent on the fact that the prosecution first spell out the ingredients of the offence of Section 304B as in Shindo Alias Sawinder Kaur and another v. State of Punjab*[26] *and echoed in Rajeev Kumar v. State of Haryana*[27]*. In the latter pronouncement, this Court propounded that one of the essential ingredients of dowry death under Section 304B of the Code is that the accused must have subjected the woman to cruelty in connection with demand for dowry soon before her death and that this ingredient has to be proved by the prosecution beyond reasonable doubt and only then the Court will presume that the accused has committed the offence of dowry death under Section 113B of the Act. It referred to with approval, the earlier decision of this Court in K. Prema S. Rao v. Yadla Srinivasa Rao*[28] *to the effect that to attract the provision of Section 304B of the Code, one of the main ingredients of the offence which is required to be established is that "soon before her death" she was subjected to cruelty and harassment "in connection with the demand for dowry".*

[26] (2011) 11 SCC 517

[27] (2013) 16 SCC 640

[28] (2003) 1 SCC 217

21. In ***Shabeen Ahmad v. State of U.P.***[29], this Court cautioned that the grant of bail in dowry death cases, despite strong incriminating material, undermines public confidence in the justice delivery system. The Court observed that in cases of dowry death, courts must remain alive to the broader societal ramifications, as such offences strike at the very root of social justice and gender equality. Permitting alleged prime perpetrators of such heinous crimes to remain at liberty on bail, when evidence indicates active infliction of physical as well as mental cruelty, may not only jeopardize the fairness of the trial but also erode public faith in the administration of criminal justice.

22. Thus, the present case squarely falls within the category of annulment of bail. The High Court's omission to consider the gravity of the offence, the corroborated dying declarations and the post-mortem evidence renders the impugned order perverse and unsustainable. As held in ***Puran v. Rambilas***, bail orders passed in disregard of material evidence or settled principles are liable to be set aside. This Court in ***Chaman Lal v. State of U.P. and another***[30], clearly observed:

> *"11. Though a conclusive finding in regard to the points urged by the parties is not expected of the court considering the bail application, yet giving reasons is different from discussing merits or demerits. As noted above, at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merits of the case is not to be undertaken. But that does not mean that while granting bail some reasons for prima facie concluding why bail was being granted is not required to be indicated."*

[29] (2025) 4 SCC 172
[30] (2004) 7 SCC 525

23. Dowry death is not merely an offence against an individual but a crime against society at large. As emphasized in ***Social Action Forum for Manav Adhikar v. Union of India***[31], the alarming rise in such cases necessitates strict judicial scrutiny. Permitting the accused to remain at large in the face of such material would erode the deterrent object of Sections 304B and 498A IPC.

24. In view of the foregoing, the impugned order of the High Court is liable to be set aside, and the bail granted to Respondent No. 1 deserves to be annulled.

25. This Court cannot lose sight of the fact that marriage, in its true essence, is a sacred and noble institution founded on mutual trust, companionship, and respect. However, in recent times, this pious bond has regrettably been reduced to a mere commercial transaction. The evil of dowry, though often sought to be camouflaged as gifts or voluntary offerings, has in reality become a means to display social status and to satiate material greed.

25.1. The social evil of dowry not only corrodes the sanctity of marriage but also perpetuates systemic oppression and subjugation of women. When such demands transgress the bounds of reason and culminate in cruelty – or worse, in the untimely death of a young bride – the offence transcends the private sphere of the family and assumes the character of a grave social crime. It ceases to

[31] (2018) 10 SCC 443

remain a mere personal tragedy and becomes an affront to the collective conscience of society.

25.2. The phenomenon of dowry deaths represents one of the most abhorrent manifestations of this social malaise, where the life of a young woman is extinguished within her matrimonial home – not for any fault of her own, but solely to satisfy the insatiable greed of others. Such heinous offences strike at the very root of human dignity and violate the constitutional guarantees of equality and life with dignity under Articles 14 and 21 of the Constitution of India. They corrode the moral fibre of the community, normalize violence against women, and erode the foundations of a civilized society.

25.3. In this backdrop, this Court is constrained to observe that judicial passivity or misplaced leniency in the face of such atrocities would only embolden perpetrators and undermine public confidence in the administration of justice. A firm and deterrent judicial response is, therefore, imperative – not only to uphold the majesty of law and do justice in the present case, but also to send an unequivocal message that neither law nor society will countenance barbarities born out of the evil of dowry.

26. With the above observations, this Criminal Appeal is allowed and the impugned order of the High Court is set aside. The bail granted to Respondent No. 1 is hereby cancelled, and he is directed to surrender to custody forthwith, failing which, the concerned authorities shall take him into custody

immediately. It is, however, clarified that this judgment is confined to the issue of cancellation of bail, and the trial shall proceed independently, on its own merits, and strictly in accordance with law.

27. Connected Miscellaneous Application(s), if any, stand disposed of.

……J.
[B.V. NAGARATHNA]

……J.
[R. MAHADEVAN]

NEW DELHI;
NOVEMBER 28, 2025