

**IN THE COURT OF MS. SHREYA ARORA MEHTA
ASJ-SPL. FTC-02 (CENTRAL), THC, DELHI.**

Bail application No. 1556/26

FIR No. 365/26

PS: Burari

u/s : 108 BNS

State vs Bhulai Kumar

20.08.2026

Present : Sh. Pankaj Kumar Ranga, Ld. Substitute Addl. PP for State.

The present bail application is listed for orders today.

ORDER

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), the applicant/accused Bhulai Kumar Soni @ Dinesh seeks regular bail in case FIR No. 365/2026, registered at Police Station Burari under Section 108 of the Bharatiya Nyaya Sanhita, 2023 ('BNS'). This is stated to be the first bail application of the applicant, who is in judicial custody since 03/04.06.2026.

FACTUAL MATRIX

2. The FIR came to be registered on the statement of Ms. Saraswati D/o Sh. Devender Rai, sister of the deceased Smt. Kanchan Kumari. As per the prosecution case, on the intervening night of 02/03.06.2026, at about 11:40 p.m., the deceased was found hanging from the ceiling fan of her room at the matrimonial home situated at H. No. 191/3, Gali No. 6, Parvatiya Anchal, Sant Nagar, Burari, Delhi. She was removed to Deep Chand Bandhu Hospital, where she was declared brought dead on 03.06.2026 at 12:23 a.m. The MLC records a reddish ligature mark on the neck. Post-mortem examination was conducted vide PM No. 565/2026 dated 03.06.2026. Proceedings under Section 196 BNSS were

conducted before the Ld. SDM concerned. The complainant and her parents reside on the floor immediately below the floor occupied by the deceased and the applicant in the same building. The marriage between the applicant and the deceased was solemnized in or about the year 2018/2019; a minor son, aged about three years, was born from the wedlock.

3. As per the reply filed by the Investigating Officer, and as elaborated during the hearing, the case of the prosecution is that the applicant was in the habit of consuming alcohol and habitually subjected the deceased to physical assault, verbal abuse, character aspersions and mental harassment; that on the fateful night, following a quarrel, the applicant instigated the deceased to end her life; that when the deceased proceeded to hang herself, the applicant made no attempt whatsoever to rescue her despite opportunity, and instead recorded the incident on his own mobile phone; and that when the mother of the deceased, upon hearing sounds, came upstairs, the applicant turned her away from the door stating that nothing had happened. The mobile phone of the applicant and an SD card containing photography and videography were seized during investigation, along with the ligature material and biological exhibits of the deceased.

PROCEEDINGS AND SUBMISSIONS

4. The application has had a procedural history before this Court, which this Court deems it appropriate to take note of. On 20.07.2026, none appeared for the State; IO SI Manish sought exemption on the ground of law-and-order duty, which was allowed for that day only. On 28.07.2026, part arguments were heard; the SHO, PS Burari sought exemption on medical grounds; and, significantly, the Ld. Addl. PP for the State was constrained to point out that the written reply filed by IO SI Manish incorrectly stated that the chargesheet stood filed. On 03.08.2026, IO SI

Manish was absent despite the specific direction issued on 28.07.2026 requiring his physical presence, and initially there was no representation for the applicant either. On change of bail roster, this application has come for hearing today before this Court and today as well SI Mohit has appeared on behalf of the IO SI Manish and has assisted the Court.

5. Ld. Counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated; that the FIR discloses no demand of dowry and no specific incident of cruelty; that there is no suicide note; that the marriage having been solemnized in 2018, more than seven years had elapsed before the incident; that the applicant himself took the deceased to hospital, which conduct is inconsistent with the allegation of abetment; that the prosecution case rests on the statements of interested witnesses; that the investigation stands concluded and no purpose would be served by further incarceration; and that mere matrimonial discord does not constitute abetment of suicide absent instigation, intentional aid or a positive act proximate to the occurrence. Reliance has been placed, inter alia, upon *Mahendra Awase v. State of Madhya Pradesh*, (2025) 4 SCC 804; *Naresh Kumar v. State of Haryana*, (2024) 3 SCC 573; *Ayyub v. State of Uttar Pradesh*, (2025) 3 SCC 334; *Vinod Shivakumar v. State of Maharashtra*, 2026 INSC 867; *Sharanjit Singh v. State of Punjab*, 2023:PHHC:130082; and *Sanjay Chandra v. CBI*, (2012) 1 SCC 40. A compilation of the said judgments has been filed and is taken on record.
6. Ld. Counsel for the complainant has opposed the application and has placed on record copies of two DD entries: (i) DD No. 72A dated 16.11.2023, PS Ashok Vihar, being a written complaint made by the deceased Kanchan herself during her lifetime, wherein she alleged that for about three years she had been continuously tortured and subjected to beatings by the applicant and his family members, that she had been compelled to reside with her father for the safety of her minor son who

suffers from a cardiac ailment, and wherein she recorded, in terms, that if any harm were to befall her, her husband and his family would be responsible; and (ii) DD No. 56A dated 27.07.2026, Mahila Thana / PS Burari, being a complaint of Sh. Devender Rai, father of the deceased, alleging that the brother of the applicant has threatened that upon the release of the applicant, the house standing in the name of the deceased would be sold and the family of the complainant, including the minor child P, would be eliminated. Both documents are taken on record.

7. Ld. Addl. PP for the State, duly assisted by SI Mohit, has opposed the application on the ground of the gravity of the offence and the specific, proximate role attributed to the applicant. SI Mohit has fairly and candidly submitted that the case of the prosecution is founded principally upon the video recovered from the mobile phone of the applicant, which forms part of the chargesheet since filed, and that Sections 85/86 BNS have not been invoked in the chargesheet. At the request of the Court, the relevant portions of the said video were played in the presence of Ld. Addl. PP, Ld. Counsel for the applicant and Ld. Counsel for the complainant.
8. It is necessary to record with precision what the video, as played before this Court, depicts. The portions shown depict the applicant recording the deceased on his mobile phone at the time of the incident, rather than making any effort to rescue her.

ANALYSIS

9. The parameters governing the grant or refusal of bail are well settled: the nature and gravity of the accusation; the severity of punishment upon conviction; reasonable apprehension of tampering with evidence or of threatening witnesses; the character and antecedents of the accused; the likelihood of the offence being repeated; and the larger interest of the public and the State. At this stage, the Court is neither required nor

entitled to conduct a meticulous examination of the evidence; what is to be seen is whether there exist reasonable grounds for believing that the accusation is prima facie well founded.

10. The judgments relied upon by the applicant, to which this Court has given its careful consideration, share a common and decisive feature: in each of them, the material disclosed, at its highest, remote harassment, workplace reprimand, or the pursuit of lawful recovery proceedings, with no positive act attributable to the accused proximate to the act of suicide. In *Mahendra Awase* (supra), the Hon'ble Supreme Court held that exhortations made in the course of recovering outstanding loans, even taken literally, did not evince an intention to instigate suicide. In *Vinod Shivakumar* (supra), the incidents relied upon were remote in point of time from the suicide. In *Ayyub and Naresh Kumar* (supra), the Hon'ble Supreme Court reiterated that mere allegation of harassment, without a positive act proximate to the occurrence, cannot sustain a charge under the corresponding provision. It also bears note that each of the said decisions arose at the stage of quashing, discharge or appeal against conviction, where the applicable standard differs materially from that governing bail.
11. The present case, on the material now before the Court, does not answer to that pattern; it is, prima facie, its opposite. Three strands of material converge, and they fall to be read together:

(i) A positive act at the decisive moment. What the Court has seen is not mere passivity. The applicant did something at the moment of the incident: he took up his mobile phone and recorded his wife. A husband who, finding his wife hanging or in the act of hanging, elects to film rather than to lift her down or to raise an alarm, has prima facie made a conscious election in favour of the act reaching its completion. Whether a bare omission to rescue amounts to an '*illegal omission*' within the

meaning of Section 45 BNS is a question this Court leaves open for trial; it need not be decided here, precisely because the conduct disclosed is not a bare omission.

(ii) *Obstruction of rescue by another.* The FIR itself records that when the mother of the deceased, upon hearing sounds from the upper floor, came up to see her daughter, the applicant met her at the door, told her that nothing had happened, and turned her away. Rescue was, on the prosecution case, moments and a staircase away, and was prevented by a positive act of the applicant. Prima facie, such conduct falls within the ambit of intentional aid i.e the doing of an act, at the time of commission, which facilitates the commission thereof within the meaning of Section 45 BNS read with its Explanation. This limb of the prosecution case, it may be noted, stands independent of the electronic evidence altogether and rests on the ocular account of witnesses.

(iii) *A documented antecedent history of cruelty, in the words of the deceased herself.* DD No. 72A dated 16.11.2023, PS Ashok Vihar, is not the statement of an interested witness made after the death; it is the written complaint of the deceased during her lifetime, some two and a half years prior to the incident, alleging sustained beating and torture at the hands of the applicant and his family, and stating in terms that responsibility for any harm to her would lie at their door. The submission that the material discloses no cruelty must therefore be rejected at this stage. The Court further notes that the record discloses three conflicting dates of marriage: 02.01.2016 as per the complaint of the father of the deceased (DD No. 56A dated 27.07.2026); the year 2018 as per the FIR and the present application; and 27.11.2019 as per the written complaint of the deceased herself (DD No. 72A dated 16.11.2023), which latter date is internally consistent with her contemporaneous statement therein that four years of marriage had then elapsed. If the date given by the deceased is established, the death falls within seven years of marriage and the

presumption under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023 would be available upon proof of cruelty. That question of fact cannot be resolved at this stage.

12. Taken cumulatively, the material discloses, prima facie, precisely that which the applicant's authorities found wanting: a positive act, and a positive obstruction, proximate to indeed contemporaneous with the act of suicide, against the backdrop of a documented history of cruelty. Reasonable grounds for believing the accusation to be well founded plainly exist. The observations in *Mahendra Awase* (supra) cautioning against the routine invocation of the provision are salutary, but they are of no assistance where the material discloses contemporaneous conduct of the character noticed above.
13. As regards the apprehension of the witnesses being influenced or threatened, the apprehension in the present case is not of the formulaic variety. The material witnesses i.e. the parents and sister of the deceased, and the minor child reside on the floor immediately below the alleged scene of occurrence, in the same building. DD No. 56A dated 27.07.2026 places on record a specific, dated and attributable threat, stated to emanate from the brother of the applicant, expressly linked to the eventuality of the applicant's release, extending to the elimination of the family including the minor child and to the disposal of the immovable property standing in the name of the deceased. This Court cannot, at this stage, adjudicate the truth of that complaint; but it cannot ignore it either.
14. The Court has equally weighed the circumstances in favour of the applicant, and considers it appropriate to record them: this is a first bail application; the applicant has no criminal antecedents; the investigation stands concluded and the chargesheet has been filed, so that custodial interrogation is no longer required; the decisive evidence is electronic, stands seized and forms part of the chargesheet, and is therefore not

capable of being tampered with by the applicant; the applicant has been in custody for approximately two and a half months; and it is not without significance that the footage in question was preserved on the applicant's own device rather than destroyed. These are real considerations. However, in a case involving the death of a young woman, upon material disclosing prima facie contemporaneous instigation-facilitative conduct, a documented history of cruelty in the words of the deceased herself, and a specific extant threat to the material witnesses residing in immediate physical proximity, these considerations do not, at this stage, tilt the balance in favour of enlargement.

OBSERVATIONS REGARDING NON-INVOCATION OF SECTIONS 85/86 BNS

15. SI Mohit has candidly stated that Sections 85/86 BNS find no place in the chargesheet. This is, prima facie, a lapse. The prosecution's own case, as set out in the reply of the IO, is one of habitual physical assault, verbal abuse and mental harassment of the deceased; and the deceased's own complaint of 16.11.2023 alleged sustained cruelty in terms which, if accepted, squarely answer the definition in Section 86 BNS. Upon such material, the non-invocation of Section 85 BNS is not readily explicable and reflects poorly on the quality of the investigation. Two consequences follow. *First*, the omission confers no advantage on the applicant: it is trite that the Court is not bound by the sections mentioned in the police report, and at the stage of consideration of charge, the Court of Session shall be at liberty to frame charge for any offence disclosed by the material on record. *Secondly*, the Investigating Officer / SHO, PS Burari shall examine the matter and consider filing a supplementary report under Section 193(9) BNSS in accordance with law. It is clarified that nothing herein shall be construed as a direction to add any particular offence; that determination lies with the investigating agency and, ultimately, with the Court at the stage of charge.

ORDER

16. **In view of the foregoing, this Court finds no ground, at this stage, to admit the applicant to bail. The bail application of the applicant/accused Bhulai Kumar Soni @ Dinesh is accordingly dismissed.**
17. It is made clear that the observations made hereinabove have been rendered solely for the purpose of adjudicating the present bail application, are prima facie in nature, and shall not be construed as an expression of opinion on the merits of the case, which shall be decided by the Trial Court uninfluenced by anything contained herein.

DIRECTIONS

18. The following directions are issued:
- (a) **The video forming the foundation of the prosecution case, stated by SI Mohit to be part of the chargesheet, shall be placed and maintained on the record of the chargesheet in a sealed, hash-verified electronic form,** accompanied by (i) the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, and (ii) the report of the FSL on the authenticity of the recording and the absence of editing or tampering, together with the hash value of the source device/SD card and the seizure-to-FSL chain of custody.
- (b) **The SHO, PS Burari shall look into the complaint of Sh. Devender Rai recorded vide DD No. 56A dated 27.07.2026,** take such preventive action as is warranted in law for the safety of the complainant's family including the minor child, and file a status report before the Court concerned within two weeks.

(c) The Investigating Officer / SHO, PS Burari shall obtain a certified copy of DD No. 72A dated 16.11.2023, PS Ashok Vihar, along with any action taken thereon, record the statements of the witnesses concerned, and, having examined the non-invocation of Sections 85/86 BNS in the light of the said material and the observations recorded hereinabove, consider filing a supplementary report under Section 193(9) BNSS in accordance with law.

(d) The IO/SHO shall also collect and place on record documentary proof of the date of marriage (registration certificate, ceremony photographs, or witness statements), since it bears directly on Section 117 BSA at trial.

(e) DD No. 56A dated 27.07.2026 records a threat stated to extend to the family of the deceased, including her minor son aged about three years, who is stated to suffer from a cardiac ailment and whose mother is deceased and father in judicial custody. Without adjudicating the truth of the said complaint, the Ld. Secretary, District Legal Services Authority (Central), Delhi, shall (i) cause the complainant and her family to be informed, within one week, of their entitlement to apply under the Witness Protection Scheme, 2018, and render assistance in preparing and filing such application before the Competent Authority; and (ii) cause an assessment of the welfare and care arrangement of the minor child of the deceased, if necessary in coordination with the District Child Protection Unit, and consider his case, as a dependent of the deceased, for interim compensation under Section 396 BNSS read with the Delhi Victims Compensation Scheme, 2018. Copy of this order be sent to Ld. Secretary, DLSA Central.

CONDUCT OF THE INVESTIGATING OFFICER: REFERENCE TO THE DCP CONCERNED

19. This Court considers it necessary to bring to the notice of the Deputy Commissioner of Police concerned the manner in which the investigation has been represented before the predecessor Court and before this Court. IO SI Manish: (i) remained absent on 20.07.2026, seeking exemption on the ground of law and order duty; (ii) remained absent on 28.07.2026 (exemption having been sought on behalf of the SHO on medical grounds on that date); (iii) filed a written reply to the bail application containing the incorrect statement that the chargesheet had been filed, an error which the Ld. Addl. PP for the State was constrained to correct on 28.07.2026; and (iv) remained absent on 03.08.2026 in the teeth of a specific judicial direction dated 28.07.2026 requiring his physical presence. In a matter involving the liberty of an accused on the one hand and the death of a young woman on the other, such conduct is crucial to be brought to the notice of DCP concerned.
20. In contradistinction, the Court places on record its appreciation of the fair and candid assistance rendered by SI Mohit, who appeared on behalf of the IO, forthrightly stated that the prosecution case is founded upon the video recovered from the mobile phone of the applicant and upon the conduct of the accused disclosed therein, confirmed that the said video forms part of the chargesheet since filed, and candidly disclosed the non-invocation of Sections 85/86 BNS. Such candour by an investigating officer advance, rather than impedes, the administration of justice.
21. **A copy of this order shall accordingly be sent to the Deputy Commissioner of Police, North District, Delhi, for information and such action as deemed appropriate qua the conduct of IO SI Manish, and for ensuring compliance with directions (a) to (e) above. Compliance/action-taken report be filed within four weeks.**

22. Copy of this order be given dasti to Ld. Counsel for the applicant and Ld. Counsel for the complainant, and be sent to the SHO/IO, PS Burari and to the Jail Superintendent concerned for information of the applicant.

(SHREYA ARORA MEHTA)
JUDGE BAIL ROSTER
ASJ/SFTC-02(CENTRAL)
THC: DELHI : 20.08.2026