

3 BAIL MATTERS 513/2026
THE STATE Vs. PUSHPA DEVI
FIR No. 0287/2026
(New Usman Pur)

20.06.2026

Present: Sh. Shiv Kumar, Ld. Addl. PP for the State.
Sh. Gambhir Singh Chauhan and Sh. R K Singh, Ld.
Counsel for applicant/accused.
Sh. Avdhesh Sarswat, Ld. Counsel for complainant through
VC.
Complainant Ashok (brother of deceased victim) is also
present.
IO Insp. Manoj Kumar is present.

This is an application filed on behalf of applicant/accused
Pushpa Devi u/s 482 of BNSS seeking grant of anticipatory bail to the
accused.

Reply to the application has already been filed by the IO.
Copy of the same also already stands supplied to the Ld. Counsel for
applicant.

Submissions are heard on the application. Reply to the
application is also perused.

In the present case, the case FIR has been registered on the
complaint of Sh. Ashok Kumar for the commission of offence u/s
80/85/3(5) BNSS as it is alleged that Ms. Nirvesh, sister of the
complainant who got married to accused Ravi Kumar on 20.02.2019
allegedly died/committed suicide within 7 years of her marriage due to
the cruelty and harassment caused by her husband and other in-laws in
relation to the demand of dowry.

While arguing on behalf of applicant/accused and seeking her anticipatory bail, the Ld. Counsel for accused has argued that all the allegations leveled against the accused are false and fabricated. It is further argued that there is no previous complaint made by deceased victim at any point of time relating to harassment and cruelty by the applicant/accused in relation to any demand of cruelty. It is further stated that the applicant/accused is the real mother in law of the deceased victim and has been falsely roped in the present case by the complainant and other members of his family only due to the death of the deceased in which the applicant/accused has no role and involvement and the said extreme steps was also taken by the deceased only due to her frustration on account of the fact that the husband of the deceased was a physically handicapped and was also not employed anywhere. It is stated that moreover, soon after the death of the deceased victim when the family members of the deceased victim were examined by the SDM they did not disclose anything in relation to the alleged cruelty or demand of dowry by the applicant/accused or any of his family members. Likewise, the allegations leveled by the complainant relating to alleged cruelty and demand of dowry are also only hearsay and general in nature. Further, the sister and brother of deceased to whom the deceased victim had allegedly disclosed her atrocities have also not disclosed anything specific in relation to the incident of alleged cruelty and demand of dowry. It is further stated that moreover, the applicant/accused has already duly joined the investigation and is also cooperating in the same. Further, the custodial interrogation of the accused is also not required as no recovery has to be effected in the present case and there is also no possibility of tampering of any prosecution evidence as the entire case of

the prosecution solely rests upon the statements of the complainant and his other family members.

Hence, it is prayed that the applicant/accused may be granted anticipatory bail in the present case.

It is relevant to note here that as per the reply filed by the IO, the applicant/accused has already joined the investigation of the case after the service of notice of section 35(3) of BNSS and has been already thoroughly interrogated. It is also mentioned that presently, there is no need of any custodial interrogation of the accused.

Per contra, opposing the bail application, the Id. Addl. PP for State has argued that all the offences alleged against the accused are very serious in nature. It is further submitted that the investigation of the case is still in progress and though the present applicant/accused has joined the investigation, however, considering the seriousness of alleged offences and entailing punishment, there are high chances that the accused may abscond or try to temper with prosecution evidence. Hence, it is prayed that the present anticipatory bail application filed on behalf of accused may be dismissed.

Similar submission have also been made by the Ld. Counsel for the complainant. Further he has also placed reliance upon “Mahesh Chand Vs. State of Uttar Pradesh and Anr., 2026 Live Law (SC) 452”.

After hearing of submissions of both the sides and perusing the reply filed by the IO, it is apparent that accused has already duly joined the investigation post service of notice u/s 35(3) BNSS and she is also fully cooperating in the investigation. Further the perusal of the statements of the complainant and his other family members recorded before SDM during the inquest proceedings also reveals that nothing

was disclosed by any of the family members relating to the commission of any cruelty by the applicant/accused or her other family members in relation to any demand of dowry. Likewise, the perusal of the police complaint of the complainant and the statements of his other family members recorded u/s 180 BNSS also reveals that the allegation of demand of dowry of Rs. 2 lacs and a car are very general in nature and has been leveled against the husband as well as all the other members of in laws family.

Admittedly, there is no recovery to be effected in the present case. Further since, as apparent, the case of the prosecution also solely rests upon the statement of the complainant and his other family members and there is also no other documentary or any other evidence available in the present case which may be tampered in any manner. The IO in his reply has also already stated that presently, custodial interrogation of the applicant/accused is also not required for any purpose. Further, there is also no apprehension that the applicant/accused may abscond or run away from the process of trial.

Hence considering the totality of the facts and circumstances of the case and the position as emerging from the record since there is no requirement of any custodial interrogation of the applicant/accused, the court is of the opinion that she is entitled to the grant of anticipatory bail in the present case. As far as the case law relied upon by the Ld. Counsel for complainant is concerned the same can also be distinguished on the facts of the case.

Accordingly, the application filed on behalf of applicant/accused stands allowed.

The applicant/accused Pushpa Devi is directed to join the

investigation and in case of his arrest, following directions shall be followed :-

*i) In the event of arrest of the applicant/accused, he be released on bail. The amount of bail bond shall be **Rs. 25,000/- with one surety** in like amount to the satisfaction of the concerned IO/SHO.*

ii) The applicant/accused shall cooperate in the investigation at every stage, and shall make her-self available for interrogation by the police as and when required.

iii) The applicant /accused shall provide his latest address to the IO /SHO concerned and in the event of change of address, he shall ensure that he provides her fresh address to IO /SHO concerned immediately.

iv). The applicant/accused shall not leave India without prior permission of the court.

v) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the court or to any police officer.

With these conditions, the present anticipatory bail application moved on behalf of applicant/accused Pushpa Devi stands

disposed off.

It is needless to say that nothing stated herein shall tantamount to an opinion or expression of the Court on the merits of the case.

Copy of this order be given dasti to the parties.

Application stands disposed off accordingly.

(BALWINDER SINGH)
ASJ (FTC) (Vacation Judge)
/North- East/KKD Courts/
Delhi/20.06.2026