



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2026
@ SPECIAL LEAVE PETITION (CRIMINAL) NO.928/2026**

DEVKI NANDAN KUSHWAHA

...APPELLANT

VERSUS

STATE OF MADHYA PRADESH

...RESPONDENT

O R D E R

1. Heard.
2. Leave granted.
3. Appellant is arraigned as accused No.2 in FIR No.260/2024 for the offences punishable under Sections 302, 304-B, 498-A and 34 of the Indian Penal Code, 1860.

4. It was alleged that the marriage between accused No.1 and deceased (Aarti Kushwaha) was solemnized on 04.11.2022 and she was pushed from the rooftop of the matrimonial home as a result of which she sustained several injuries and while being treated, she succumbed to her injuries. It was also alleged that deceased was subjected to harassment and cruelty for dowry. The alleged incident occurred on 07-08.04.2024 and she died on 27.04.2024. During the course of treatment, she said to have given two dying declarations, namely, the first dying declaration given in the presence of her mother, brother and in-laws and on the same day at 09:00-10:00 pm, the second dying declaration recorded by the Executive Magistrate where she implicated her in-laws and her husband as perpetrators who caused injuries to her. The investigation has been concluded and chargesheet has been filed whereunder the prosecution asserted 36 witnesses are to be examined. Appellant who is

aged 63 years has been in custody since 30.04.2024 till date. The records would also indicate that appellant remained present and had also arranged medical treatment to the deceased and ensured her hospitalization and cooperated with the doctors and the authorities. Neither he absconded nor attempted to evade the investigation. Taking into considerations all these factors cumulatively, we are of the considered view that appellant is not at flight risk and strict conditions if imposed to protect the witnesses would suffice to ward off any apprehension of the prosecution.

5. Accordingly, the appeal is allowed and the impugned order is set aside. Appellant is ordered to be released on bail subject to such terms and conditions as the jurisdictional Court deems fit to impose including the condition of directing the appellant to appear before the trial court on all dates of hearing except when exempted.

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

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
FEBRUARY 25, 2026.

ITEM NO.25

COURT NO.16

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)
No(s).928/2026

[Arising out of impugned final judgment and order
dated 29-08-2025 in MCRC No.37869/2025 passed by
the High Court of Madhya Pradesh at Gwalior]

DEVKI NANDAN KUSHWAHA

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

IA No. 2666/2026 - EXEMPTION FROM FILING O.T.

Date : 25-02-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. Shashank Sharma, Adv.
Mr. Prabhat Kumar, AOR
Mr. Karan Dang, Adv.
Mr. Md. Atif, Adv.
Ms. Bhavika Agrawal, Adv.
Ms. Shreya Chopra, Adv.
Mr. Abhishek Ranjan, Adv.

For Respondent(s) : Mr. Aditya Vaibhav Singh, Adv.
Mr. Yashraj Singh Bundela, AOR
Mrs. Pratima Singh, Adv.
Mr. Arpit Garg, Adv.
Ms. Sakshi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Criminal Appeal is allowed in terms of the signed order placed on the file.

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

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)