IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 770/2026
(Arising out of SLP (CRL) No. 19237/2025)

CHETRAM VERMA …Appellant(s)

VERSUS

STATE OF U.P. …Respondent(s)

O R D E R

1. Exemption applications are allowed.

2. Leave granted.

3. This appeal arises from the order passed by the High Court of Allahabad dated 10.10.2025 in Criminal Miscellaneous Bail Application No.8097/2025 by which the bail application preferred by the respondent no.2 - original accused (husband of the deceased) came to be allowed and the accused was ordered to be released on bail in connection with the First Information Report bearing No.188/2025 registered with Kotwali Bhinga Police Station, District Shrawasti, State of Uttar Pradesh for the offence punishable under sections 85, 80(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS, 2023") and sections 3 and 4 respectively of the Dowry Prohibition Act, 1961.

4. The impugned order is one of the most shocking and disappointing orders that we have come across over a period of time.

5. A young girl married with marital life of just three months died under mysterious circumstances at her matrimonial home. The father of the deceased came to know about the sudden death of his daughter and, accordingly, lodged the First Information Report referred to above which reads thus:-

"xxx
12. First Information contents:

To Sir, Station Incharge Officer Sir, Bhinga District Shravasti Chetram, age about 62 years, son of Ramkhelawan, resident of village Ekardangwa, Post Bhausawan, Police Station Gilaula, District Shravasti Applicant and accused 1. Devraj alias Golu, age about 22 years, son of Rambachan 2. Majnu, age about 30 years, son of Rambachan 3. Ramrani, age about 60 years, wife of Rambachan 4. Rambachan, age about 65 years, son of Ajit 5. Majnu's wife, age about 28 years 6. Rambachan's daughter, age about 18 years, residents of village Revalia, Police Station Koatwali Bhinga District Shravasti Opponents, for application to register F.I.R. against Opponents, Police Station Bhinga District Shravasti Sir, it is requested that the applicant's daughter Sushma, age about 22 with opposite party no. 1 was solemnized on 01.03.2025 as per Hindu customs and traditions between both the families. The applicant had given a lot of dowry as per his status and had given Rs. 3 lakh 50 thousand in cash at the time of marriage. But the above mentioned opposite parties were not satisfied with the dowry and cash given by the applicant. They started demanding four wheeler as additional dowry from the daughter of the applicant and started torturing her physically and mentally. The incident took place on 25.4.2025 at about 03.30 am. The applicant received (was given) information through mobile that your daughter Sushma has died. Then the applicant and the family members of the applicant and other people of the village reached the spot and there was a mark of injury on the neck of the daughter of the applicant. The above mentioned opposite parties have killed the daughter of the applicant for dowry. Therefore, Sir, it is requested that in the light of the above application of the applicant, please register an FIR against the opponents. Applicant Chetram son of Ramkhelawan resident of village Ekardagawa Post Bhausawan police station Gilaula district Shravasti dated 25.4.2025 Mobile number 9161755810."

6. Upon registration of the FIR, the investigation was undertaken. The dead body of the deceased was sent for postmortem examination. The postmortem examination revealed that the cause of death was asphyxia due to strangulation.

7. The statements of various witnesses were recorded by the investigating officer and ultimately at the end of the investigation, chargesheet came to be filed for the offences as enumerated above.

8. The criminal case came to be committed to the court of Sessions. The committal culminated in Sessions Case No.280/2025 pending as on date in the Court of Sessions, Shrawasti.

9. Charge came to be framed against the respondent no.2 herein (original accused) for the offences enumerated above.

10. It appears that so far, one prosecution witness has been examined, i.e., the father of the deceased, namely, Chetram Verma (PW-1).

11. It is the case of the prosecution that the deceased was married to the accused and within three months of marriage, the deceased is alleged to have died under mysterious circumstances at her matrimonial home during the midnight hours.

12. As noted above, the cause of death is asphyxia due to strangulation.

13. There are allegations levelled in the First Information Report as regards demand of dowry and incessant harassment by the husband.

14. The impugned order of bail passed by the High Court reads thus:-

"1. Heard learned counsel for the applicant, learned AGA for the State, Shri Mohd. Shahid Akhtar, learned counsel for the informant and perused the record.

2. The applicant seeks enlargement on bail in FIR No. 188 of 2025, under Sections 85, 80(2) BNS and Sections 3/4 D. P. Act, P.S. Kotwali Bhinga, District Shrawasti.

3. Learned counsel for the applicant argues that the FIR in question was lodged alleging that daughter of the informant was married to the applicant and she was killed on account of non payment of dowry. Learned counsel for the applicant argues that the co-accused Rambachan has been enlarged on bail vide order dated 9.7.2025 passed in Criminal Misc Bail Application No. 6344 of 2025. He draws my attention to the post mortem report where the hyoid bone is found to be intact, still an opinion was formed that the cause of death is ante mortem strangulation which according to him is not possible as per the Modis Textbook of Medical Jurisprudence and Toxicology.

4. Learned AGA has opposed the bail application.

5. Considering the facts and circumstances, however, without commenting upon the merits of the case, the applicant who is in jail since 27.4.2025 and has no criminal history is entitled to be enlarged on bail. In view thereof, the application is allowed. BAIL No. 8097 of 2025

6. Let the applicant Devraj Verma @ Golu be released on bai in aforesaid FIR number on his furnishing a personal bond with two sureties of Rs.20,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence."

15. We fail to understand on plain reading of the impugned order as to what the High Court is trying to convey. What weighed with the High Court in exercising its discretion in favour of the accused for the purpose of grant of bail in a very serious crime like dowry death. What did the High Court do? All that the High Court did, was to record the submission of the defense counsel and thereafter proceeded to observe that the accused was in jail since 27.07.2025 and there being no criminal history, he was entitled to bail. Accordingly, bail came to be granted.

16. The father of the deceased, being dissatisfied with the order of grant of bail by the High Court is here before us with the present appeal.

17. We heard Mr. Gaurav Yadava, the learned counsel appearing for the appellant, Mr. Apoorva Agarwal, the learned counsel appearing for the State and Mr. Ajay Kumar Singh, the learned counsel appearing for the respondent no.2 (original accused).

18. We do not propose to observe anything on merits because we are conscious of the fact that the trial is in progress. However, at the same time, we are sure that the impugned order passed by the High Court is unsustainable in law.

19. The impugned order has led to travesty of justice. It was expected of the High Court to consider the bail application keeping in mind:-

(i) The nature of the alleged crime;

(ii) The punishment provided by the BNS 2023 for the alleged crime;

(iii) The relations between the accused and the deceased, i.e., being husband and wife;

(iv) The place where the incident occurred;

(v) The postmortem report indicating that the cause of death was asphyxia due to strangulation and most importantly, the statutory presumption of commission of offence as envisaged under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023, erstwhile Section 113-B of the Evidence Act, 1872.

20. Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 reads thus:-

> ***"118. 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 had 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 purposes of this section, "dowry death" shall have the same meaning as in section 80 of the Bharatiya Nyaya Sanhita, 2023."***

21. We are of the view that the impugned order deserves to be set aside. We should direct the respondent no.2 (original accused) to immediately surrender before the Trial Court. Once he surrenders before the Trial Court, he shall be sent to judicial custody.

22. The respondent no.2 (original accused) is directed to surrender before the Trial Court immediately.

23. Upon his surrender, he shall be remanded to judicial custody.

24. The Trial Court shall proceed further with the trial

expeditiously.

25. It is needless to clarify that the innocence or the guilt of the accused shall be determined on the basis of the oral evidence that may come on record in the course of the trial.

26. The interim order passed by the High Court is hereby set aside.

27. With the result, this appeal succeeds and is hereby allowed.

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

29. Registry is directed to forward one copy of this order to the Registrar General of the High Court of Allahabad, who in turn shall place this order before Hon'ble the Chief Justice of the High Court of Allahabad.

…….J.
(J.B. PARDIWALA)

…….J.
(K.V. VISWANATHAN)

NEW DELHI;
09th FEBRUARY, 2026.

ITEM NO.30 COURT NO.5 SECTION II

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). 19237/2025

CHET RAM VERMA Petitioner(s)

VERSUS

STATE OF U.P. & ANR. Respondent(s)

IA No. 296129/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 296131/2025 - EXEMPTION FROM FILING O.T.
IA No. 296128/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 09-02-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) :
Mr. Gaurav Yadava, Adv.
Mr. Chand Qureshi, AOR
Mr. Mohammad Usman Siddiqui, Adv.
Mrs. Aisha Siddiqui, Adv.
Ms. Sakeena Quidwai, Adv.
Mr. Mohammad Salman Siddiqui, Adv.
Ms. Tasleem Siddiqui, Adv.
Mr. Rajat Baijal, Adv.

For Respondent(s) :
Mr. Apoorva Agarwal, A.A.G.
Mr. Namit Saxena, AOR
Mr. Abhishek Kumar Singh, Adv.

Mr. Ajay Kumar Singh, AOR
Mr. Yatharth Singh, Adv.
Mr. Manindera Dubey, Adv.
Ms. Shrishti Gautam, Adv.
Mr. Divyansh Singh, Adv.
Mr. Vikash Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Exemption applications are allowed.

2. Leave granted.

3. The appeal is allowed in terms of the signed order.

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

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)