

(2025) 12 UK CK 0048

Uttarakhand HC

Case No: First Bail Application No. 1327 Of 2025

Anshul Kumar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 - Section 80(2), 103(1)

Hon'ble Judges: Alok Mahra, J

Bench: Single Bench

Advocate: Vinod Sharma, Kamlesh Budhlakoti, Tumul Nainwal

Final Decision: Allowed

Judgement

Alok Mahra, J

- Applicant Anshul Kumar, who is in judicial custody in connection with Case Crime/FIR No. 34 of 2024, under Sections 80(2) and 103(1) of BNS, registered at P.S. Tharali, District Chamoli, has sought his release on bail.
- Heard learned counsel for the parties and perused the record.
- As per the prosecution story, an FIR was lodged by the father of the deceased alleging therein that his daughter hanged herself as the accused and his family members continuously used to harass her for demand of dowry.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the matter; that, the marriage between the applicant and the deceased was a love marriage; that, the applicant never demanded any dowry; that, as per the medical opinion there was no external injury on the body of the deceased except the ligature mark of hanging; that, after investigation, the charge sheet was filed on 23.02.2025, in which charges have been framed only under Section 80(2) of the BNS against the applicant.
- Learned counsel for the applicant further submits that to invoke the provisions of Section 80(2) of the BNS, three essential ingredients must be satisfied, namely: (i) the woman must have died under circumstances that were not normal, within seven years of her marriage; (ii) shortly before her death, she must have been subjected to cruelty or harassment by her husband or his relatives; and (iii) such cruelty or harassment must have been in connection with a demand for dowry. He submits that in the present case, the third ingredient is not made out, as there is no evidence on record to show that the applicant subjected the deceased to cruelty or harassment in connection with any demand for dowry.

6. Learned counsel for the applicant has further argued that the prosecution has failed to bring on record any credible material, either oral or documentary, to establish that the deceased was ever harassed by the applicant for dowry.

7. Learned counsel for the applicant further submits that the deceased had entered into a love marriage with the applicant and was residing peacefully with him; that there is no previous complaint by the deceased or her family alleging demand of dowry; and that the allegations made in the FIR are general, vague and unsupported by any cogent evidence. Learned counsel for the applicant, therefore, submits that the basic ingredients of Section 80(2) BNS are not fulfilled, and as such, the offence under the said provision is not attracted against the applicant.

8. Learned State Counsel has vehemently opposed the bail application.

9. In view of the above, but, without expressing any opinion about merits of the case before the Trial Court, this Court is of the view that this is a fit case for bail.

10. The bail application is thus, allowed and the applicant is directed to be released on bail on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.