

## Bench: Vikram Nath

Reportable

SHABEEN AHMAD  
VERSUS  
THE STATE OF UTTAR PRADESH  
& ANR.  
...APPELLANT  
...RESPONDENTS

## JUDGMENT

2. These four criminal appeals have been preferred by the common Appellant (original complainant) against four separate orders of the High Court of Judicature at Allahabad (Lucknow Bench),

granting bail to the respective Respondent No.2 in each of the following Special Leave Petitions:

- SLP (Crl.) No. 015156/2024 (Respondent No.2:

Original Accused No.3, Smt. Tara Bano, mother- in-law of the deceased), • SLP (Crl.) No. 11355/2024 (Respondent No.2:

Original Accused No.2, Mukhtar Ahmad, father- in-law of the deceased), • SLP (Crl.) No. 015157/2024 (Respondent No.2:

Original Accused No.5, Ayasha Khan, sister-in- law of the deceased), • SLP (Crl.) No. 015158/2024 (Respondent No.2:

Original Accused No.4, Saba, sister-in-law of the deceased).

Since the factual matrix is the same for all of these cases, these appeals are being considered together for disposal.

3. The Appellant's case arises from FIR No. 0032/2024 registered at Police Station Kotwali Nagar, District Sultanpur, Uttar Pradesh, for alleged offences punishable under Sections 498A and 304B of the Indian Penal Code<sup>1</sup>, along with Sections 3 and 4 of the Dowry Prohibition Act, 1961. This FIR was lodged on 23.01.2024 by the Appellant (the brother of the deceased, Ms. Shahida Bano). It states that Shahida was married on 07.02.2022 to Accused No.1, Sami Khan (husband of the deceased). Shortly after the marriage, the family members of her matrimonial home- namely, Accused No.2 (Mukhtar Ahmad, father-in-law), Accused No.3 (Tara Bano, mother-in-law), Accused No.4 (Saba, sister-in-law), and Accused No.5 (Ayasha, sister- in-law), began demanding additional dowry.

4. According to the FIR, the in-laws first demanded a "Bullet" motorcycle, which the Appellant ultimately provided in the name of the deceased. Thereafter, they allegedly demanded a car, but the Appellant, due to financial constraints, sought additional time. It is alleged that because these dowry demands were not completely met, the deceased was subjected to continuous In short, "IPC" harassment and cruelty by Accused Nos.2, 3, 4, and 5, as well as by her husband (Accused No.1), who resided abroad at the relevant time.

5. The FIR further recounts that on 22.01.2024, around 6:15 p.m., the father of the Appellant received a phone call from Accused No.2 (Mukhtar Ahmad/father-in-law) asking him to come immediately. When the Appellant, his father, mother, and other relatives reached the matrimonial home, they allegedly found the deceased's body with a dupatta around her neck, tied to the ceiling fan, and her knees still resting on the bed. On being informed, the local police arrived, took photographs, and recorded the occurrence in the General Diary.

6. A Post Mortem was conducted on 23.01.2024 by a panel of doctors. The report documented multiple ante-mortem injuries, including traumatic contusions on the head and neck, as well as a

prominent ligature mark around the neck. Crucially, the cause of death was recorded as “Asphyxia due to ante-mortem strangulation,” suggesting forced strangulation and ruling out suicide.

7. In the course of investigation statements under Section 161 Code of Criminal Procedure, 1973, were recorded, of the Appellant, the deceased’s father, and various witnesses. They consistently alleged that Accused Nos.2, 3, 4, and 5, in concert with Accused No.1, collectively harassed, beat, and eventually killed the deceased for dowry. Based on these statements and the medical evidence, the learned Sessions Judge noted the gravity of the offence, the unnatural death within seven years of marriage, and the specific allegations of dowry-related cruelty, and therefore rejected the bail applications filed by the Respondent-accused.

8. Aggrieved by the Sessions Court’s denial of bail, Accused Nos.2, 3, 4, and 5 approached the High Court of Judicature at Allahabad (Lucknow Bench). By separate orders dated 07.05.2024, 21.05.2024, 19.04.2024, and 04.04.2024, respectively, the High Court granted bail to the aforementioned respondents, primarily citing factors such as the accused having no prior criminal history, some of them being women, and the fact that certain co-accused had already been granted bail.

9. Challenging the said bail orders, the Appellant has approached this Court through the present Special Leave Petitions, contending that the High Court erred in overlooking substantial material indicating the involvement of Accused Nos.2, 3, 4, and 5 in the alleged offence.

10. We have heard learned counsel for the Appellant and the Respondents at length. The issue for consideration before us is whether the impugned orders granting bail to the Respondent Nos.2 (Accused Nos.2, 3, 4, and 5) in these matters deserve to be sustained or set aside in light of the gravity of the offence alleged and the material available on record.

11. At the outset, it is crucial to underscore the seriousness of an alleged dowry death under Sections 498A and 304B of the IPC, read with Sections 3 and 4 of the Dowry Prohibition Act. In the present case, the deceased had married accused no. 1 on 07.02.2022 and had died under highly suspicious circumstances on 22.01.2024, well within the seven-year window that invokes Section 304B of IPC. Her body was bearing multiple ante-mortem injuries and a pronounced ligature mark signifying strangulation. A closer look at the post-mortem details reveals traumatic contusions on the head and neck, indicating severe physical violence prior to her demise. When such brutality is combined with a clear pattern of dowry demands, including a “Bullet” motorcycle initially and later a car, the possibility of a dowry-related killing becomes alarmingly evident. Stricter judicial scrutiny is necessary in matters where a young woman loses her life in her matrimonial home so soon after marriage, particularly where the record points to persistent harassment over unmet dowry demands.

12. A further appraisal of the material on record suggests that Accused No.2 (father-in-law) and Accused No.3 (mother-in-law) had a principal role in pressurising the deceased with repeated demands for expensive items and subjecting her to relentless cruelty. It emerges that the deceased’s family did provide a motorcycle in her name, yet the demands continued to escalate, culminating in

a demand for a car. Equally alarming is the fact that the deceased's final moments appear to have involved intense violence, evidenced by multiple contusions and injuries that are inconsistent with a mere case of suicide. The father-in-law's subsequent phone call to the deceased's parental home, urging them to rush over, does not by itself exonerate him; rather, when considered alongside the forensic and testimonial evidence, it casts further doubt on the entire chain of events leading to the victim's death. In dowry-death cases, courts must be mindful of the broader societal impact, given that the offence strikes at the very root of social justice and equality. Allowing alleged prime perpetrators of such heinous acts to remain on bail, where the evidence indicates they actively inflicted physical, as well as mental, torment, could undermine not only the fairness of the trial but also public confidence in the criminal justice system.

13. In light of these concerns, we find that Accused No.2 and Accused No.3 do not deserve the continued protection of bail. The gravity of the allegations, ranging from demands for costly gifts to the infliction of brutal injuries, demonstrates a strong prima facie case against them. Moreover, Section 304B IPC (dowry death) prescribes a stringent standard because of the grave nature of the offence and the systemic harm it perpetuates. Where the facts clearly indicate direct involvement in the fatal events, courts must act with an abundance of caution. Thus, permitting the father-in-law and mother-in-law to remain at large would run counter to the ends of justice, especially when the evidence reflects a probable nexus between their persistent dowry demands, physical cruelty, and the deceased's death. Consequently, their bail warrants cancellation so that a fair and unimpeded trial may take place, in keeping with the legislative intent behind anti- dowry laws.

14. As regards Accused No.4 (Saba) and Accused No.5 (Ayasha) both sisters-in-law of the deceased, the material on record does implicate them, but their role appears relatively less direct. One of them (Accused No.4) has recently got married (in November 2024) and begun her new life, while the other (Accused No.5) is quite young, pursuing her education in Bachelor of Arts degree and simultaneously employed as a teacher in a private school. Although we do not exonerate them from the allegations at this stage, we find it appropriate to extend a measure of leniency towards them by not interfering with the bail granted. This consideration stems solely from their personal and educational circumstances and should not be construed as a reflection on the merits of the allegations against them.

15. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the Respondent accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty- bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations

regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in *Ajwar v. Waseem*<sup>2</sup> in the following paras:

“ 26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, (2024) 10 SCC 768 the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer :

*Chaman Lal v. State of U.P.* [*Chaman Lal v. State of U.P.*, (2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; *Kalyan Chandra Sarkar v. Rajesh Ranjan* [*Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; *Masroor v. State of U.P.* [*Masroor v. State of U.P.*, (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; *Prasanta Kumar Sarkar v. Ashis Chatterjee* [*Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; *Neeru Yadav v. State of U.P.* [*Neeru Yadav v. State of U.P.*, (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; *Anil Kumar Yadav v. State (NCT of Delhi)* [*Anil Kumar Yadav v. State (NCT of Delhi)*, (2018) 12 SCC 129 :

(2018) 3 SCC (Cri) 425] ; *Mahipal v.*

*Rajesh Kumar* [*Mahipal v. Rajesh Kumar*, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In *P v. State of M.P.* [*P v. State of M.P.*, (2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24) “24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.” Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.”

16. We clarify that our present observations are limited to deciding whether the bail of each Accused is liable to be cancelled. The trial court shall proceed on its own assessment of evidence, uninfluenced by any of the remarks made herein.

17. In view of the discussion above, we direct that the bail granted to Accused No.2 (father-in-law) and Accused No.3 (mother-in-law) is hereby cancelled. They shall surrender before the concerned trial court/authority forthwith, failing which the authorities shall take steps to take them into custody.

18. The bail granted to Accused No.4 (Saba) and Accused No.5 (Ayasha) is upheld. All conditions imposed upon them by the High Court shall continue to operate, and they shall strictly abide by any further directions that the trial court may impose to ensure the integrity of the proceedings.

19. The appeals against the bail granted to Accused No.2 (father-in-law) and Accused No.3 (mother-in-law) are allowed, and the appeals against the bail granted to Accused No.4 (Saba) and Accused No.5 (Ayasha) are dismissed.

20. Pending applications, if any, shall stand disposed of.

21. We direct the Trial Court to make endeavours to conclude the trial expeditiously, without being influenced by any of the observations contained in this judgment.

.....J (VIKRAM NATH) .....J (SANDEEP MEHTA) NEW DELHI  
MARCH 03, 2025