



2026 INSC 83

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 446 OF 2026
(ARISING OUT OF S.L.P. (CRIMINAL) NO.16817 OF 2025)****ABHIJIT PANDEY****.... APPELLANT(S)****VERSUS****THE STATE OF MADHYA
PRADESH AND ANOTHER****.... RESPONDENT(S)****J U D G M E N T****PRASHANT KUMAR MISHRA, J.**

1. Leave granted.
2. In the instant Appeal, the appellant is challenging the order dated 06.10.2025 passed by the High Court of Madhya Pradesh in Misc. Criminal Case No.22396 of 2025 whereby the High Court has rejected his regular bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR/Crime No.105/2025 registered at Police Station – Shahpura, District – Bhopal, Madhya Pradesh, for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short, ‘the BNS’). However, subsequently, a charge-sheet has been filed for the offences punishable under Sections 108 and 80 of the BNS and Sections 3 and 4 of the Dowry Prohibition Act.

3. The appellant, a dentist, was running a clinic at M.P. Nagar, Bhopal, Madhya Pradesh, where he came in contact with the deceased-Dr. Richa Pandey. After one and a half years of relationship, they got married on 04.12.2024 and started their matrimonial life while residing at House No.16, Sky Dream Colony, Bhopal. The deceased died on 21.03.2025 which was initially termed as suicide, but subsequently, a charge-sheet was filed for the offences punishable under Sections 108 and 80(2) of the BNS and Sections 3 and 4 of the Dowry Prohibition Act. The Special Judge (O.A.W.)/Fifth Additional Sessions Judge, Bhopal, Madhya Pradesh, *vide* its order dated 07.07.2025 framed charges under Sections 108 and 80(2) of the BNS and, in the alternative, under Sections 103 and 85 of the BNS and Sections 3 and 4 of the Dowry Prohibition Act.

4. In the impugned order, the High Court has noted the submissions made by the learned counsel for the parties in paragraphs 1 to 4 and, thereafter, rejected the appellant's petition for regular bail by observing that looking to the overall facts and circumstances of the case and seriousness of offence, the prayer for bail is declined.

5. According to the appellant, when on the morning of 21.03.2025 the deceased did not come out of her room, the appellant got worried and knocked on the door and called her several times but the door was locked from inside which was ultimately broken and the appellant entered the room in the presence of some individuals who were present with the appellant when the door was broken. The appellant found his wife lying on the bed in an unresponsive state. There were needle pricks on the left hand of the deceased.

The local Police was informed, and the family members and relatives of the deceased were also informed. She was taken to the hospital in the presence and in the car belonging to the uncle and aunt of the deceased. Upon reaching the hospital, she was declared dead.

6. FIR dated 24.03.2025 was registered against the appellant alleging that he was in a relationship with another woman, namely Mahi which led the deceased to commit suicide by poisoning. The appellant was arrested on 25.03.2025 and since then he is in custody. The charge-sheet has been filed on 05.06.2025 and the charges have been framed on 07.07.2025.

7. Shri Vivek K. Tankha, learned senior counsel appearing for the appellant, would submit that the present case is an unfortunate case of commission of suicide by the deceased as she was suspecting an extra-marital relation of the appellant with one woman, namely Mahi, who was working in his clinic. He would submit that there is absolutely no material which would amount to abetment of committing suicide. It is also submitted that there is no material either to *prima facie* conclude that the appellant is guilty of committing murder or dowry death of the deceased. He would submit that in the FIR and in the initial case diary statements of the witnesses, there was no allegation of demand of money/dowry, which has come in the subsequent statements of the said witnesses by way of improvement. It is also submitted that the appellant, who is a dentist by profession, is not a hardened criminal; therefore, once the charge-sheet has been filed, there is no justification for keeping him inside the jail. He further submitted that the appellant is ready

to abide by any terms and conditions which may be imposed by this Court on releasing the appellant on bail.

8. In contrast, Shri Sridhar Potaraju, learned Additional Advocate General appearing for respondent no.1, State of Madhya Pradesh, and Shri Praveen Chaturvedi, learned counsel for respondent no.2, the complainant, would vehemently oppose the prayer for bail made by the appellant in this Appeal. According to them, the present is a case of committing murder of the deceased by injecting Atracurium Besylate Injection. It is also submitted that when the post-mortem was conducted on 22.03.2025, five injuries were found which suggest commission of physical assault on the deceased before death. It is also submitted that the statements of Renu Pandey (mother of the deceased), Vinod Chandra Pandey (father of the deceased), Himanshu Pandey (brother of the deceased), Prakash Chandra Pandey (uncle of the deceased) and other relatives clearly demonstrate that the appellant used to demand money from the deceased and, thus, a *prima facie* case of dowry death is made out.

9. We have heard the learned counsel appearing for the respective parties at length and perused the papers available on record.

10. In the counter affidavit filed by the State, it is stated that Himanshu Pandey (brother of the deceased) received a message from his sister (deceased) on the intervening night of 20-21.03.2025 in which she had sent the PIN number of her mobile phone. When the deceased's Apple iPhone was opened through that PIN, the Police recovered a photograph of a two-page handwritten suicide note, several WhatsApp chats, screenshots and an audio recording of a quarrel between the deceased and the accused on the night of

20-21.03.2025. In this recording, the deceased can be heard stating that “*You only give importance to Mahi, You do everything for her, You don’t do anything for me. You will see my dead face tomorrow morning*”. These contents disclose persistent marital discord and emotional distress. The post-mortem examination conducted on 22.03.2025 noted the following ante-mortem injuries on the person of the deceased:

- (i) Intravenous prick mark associated with subcutaneous hematoma present over dorsum of left hand medically;
- (ii) Linear scratch abrasion reddish in colour present vertically over dorsum of left hand in the midline;
- (iii) Superficial incised wound skin deep present over ventral aspect of right thumb laterally;
- (iv) A bluish greenish colour contusion present over front aspect of right thigh; and
- (v) Subscalp hematoma inform of organised blood clot over occipital region.

11. In the Query Report related to the injuries found on the body of the deceased, it was opined that injury no.(i) was likely to be caused by the needle of a syringe/injection and it can be self-inflicted. Similarly, injury no.(ii) was also found to have been caused by some pointed needle like object. Injury no.(iii) was found to have been caused by a thin or sharp object. It was further noted that injury no.(iii) could have been caused while breaking a glass syringe. As far as injury no.(iv) is concerned, it was opined that it could have been caused by pressure from a hard object or surface.

12. Significantly, the post-mortem report indicates that injury no.(iv) is within four to five days prior to death. Injury nos.(i), (ii) and (iii) were probably caused by the needle of syringe/injection. As far as injury no.(v) is concerned, the post-mortem report does not indicate about how injury was caused and the probable time between the injury and death.

13. In the FIR lodged by Himanshu Pandey (brother of the deceased), it was *prima facie* suspected that the deceased committed suicide due to persistent mental harassment inflicted upon her by her husband-Dr. Abhijit Pandey as he was having relationship with his nurse-Mahi. It was registered for an offence relating to abetment to commit suicide. No allegation of demand of dowry was made in the FIR.

14. The counter affidavit filed by the State contains the first case diary statement of Vinod Chandra Pandey (father of the deceased) in which there is no allegation of demand of dowry. Similar is the case with the statements of Renu Pandey (mother of the deceased) and Himanshu Pandey (brother of the deceased). Thus, allegation concerning demand of money/dowry came in the subsequent case diary statements.

15. Considering that the FIR was registered for an offence concerning abetment to commit suicide and the deceased had not sustained any such injury which can be said to be the cause of her death and *prima facie* it is found that she died of Atracurium Besylate Injection which is a medicine given as anaesthesia and the deceased herself was an anaesthetist and that the allegation of demand of money/dowry was not made in the first instance but was made in the subsequent case diary statements, as also for the reason

that the appellant is not a hardened criminal, though one more case is registered against him concerning cheating and forgery in which a large number of persons are involved and there being no possibility of the appellant not being available for trial as also for the reason that he is in jail since 25.03.2025, we are inclined to allow the present Appeal and release the appellant on bail. Ordered accordingly.

16. The Appeal is allowed. The impugned order dated 06.10.2025 passed by the High Court is set aside. The appellant is directed to be released on bail subject to such terms and conditions as may be imposed by the Trial Court. The appellant shall cooperate with the Trial Court and shall not influence the witnesses in any manner.

17. We make it clear that the observations made in this judgment are only for the purposes of considering the prayer of the appellant for grant of regular bail. None of the observations made herein shall have a bearing on the main trial. The Trial Court shall decide the case on its merits and in accordance with law. All contentions of the parties on merits are left open.

.....**J.**
(PRASHANT KUMAR MISHRA)

.....**J.**
(N.V. ANJARIA)

NEW DELHI;
JANUARY 23, 2026.