



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on 13th October, 2025.
Pronounced on: 28th October, 2025.

+ **BAIL APPLN. 2740/2025 & CRL.M.A. 21369/2025**

DEVYANI KUNDRA

.....Petitioner

Through: Mr. Manish Kumar, Mr. Shrikant
Sharma and Dr. Prium Verma,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP with
Inspector Muneesh Kr., P.S.
Ambedkar Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 154/2022, registered at P.S. Ambedkar Nagar for the offence under Section 302 of the Indian Penal Code, 1860.³

2. The essential facts, as they emerge from the record, are as follows:

2.1. On 19th February, 2022, DD No. 78A was recorded at P.S. Ambedkar Nagar on the basis of a call received from a lady, reporting a telephonic intimation from her brother that their sister (Sudha Rani) had died under suspicious circumstances, possibly involving two boys. The caller was uncertain whether it was a case of quarrel or a murder. Upon receiving this

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



information, the investigating team reached the spot and found the deceased, Sudha Rani, lying in a pool of blood in a room on the first floor of House No. H-1/171. At the spot, Devyani Kundra (daughter of the deceased), and Sanjay Pal Kumar (brother of the deceased), were present. The caller, Sushma Rani (sister of the deceased), also arrived and stated that she had been informed of the death by her brother, Sanjay. Based on this, the FIR was registered, and investigation commenced.

2.2. During the course of investigation, the Applicant was arrested and her disclosure statement was recorded, wherein she stated that she was married to Chetan Chauhan and has a son, Yuvraj. Owing to marital discord, she had separated from her husband and was residing with one “Shibbu”. She further revealed that Shibbu used to assault her as she was unemployed. During this period, the Applicant developed an intimate relationship with co-accused Kartik Chauhan, and both expressed their desire to elope and get married. She further stated that when she requested her mother for money to facilitate the said marriage, she refused and insisted that she reconcile with her husband. Owing to such refusal and opposition to their association, it is alleged, the Applicant, in conspiracy with co-accused Kartik Chauhan, hatched a conspiracy to commit the offence.

2.3. The Prosecution alleges that the Applicant confessed to her involvement in the murder, and was thus arrested under Sections 302/120-B/34 IPC. It is further alleged that, pursuant to her disclosure, a stole/*chunni*, stated to be used to staunch bleeding from the deceased’s neck, was recovered from the rear of the house where she had thrown it.

2.4. The co-accused, Kartik Chauhan, was apprehended from his residence. He too confessed to his involvement in the crime. At his instance,



the stolen jewellery of the deceased, blood-stained clothes worn by him, along with the surgical blade used in the offence, were recovered. He was arrested, and offences under Sections 328, 394, 397, 120B, and 34 IPC were added to the case.

2.5 The Prosecution attributes motive to the Applicant on the footing that the deceased opposed her relationship with co-accused Kartik Chauhan, and had threatened to disinherit her unless she reconciled with her husband. On that premise, it is alleged that the Applicant and co-accused Kartik Chauhan conspired to commit the murder. In furtherance of the conspiracy, the Applicant is said to have administered sleeping pills, procured by Kartik, in the tea served to the deceased and to her maternal uncle, Sanjay Kumar Pal, who was also present in the house. When the sleeping pills purportedly failed to produce the intended effect, the Applicant contacted Kartik, who thereafter arrived at the residence armed with a surgical blade. As per the disclosure statements of the accused persons, the Applicant smothered the deceased with a pillow, while Kartik restrained her and inflicted a wound on her neck using the said blade, resulting in her death. It is further alleged that, in order to give the incident, the appearance of a robbery by unknown assailants, the accused persons removed jewellery and cash from the premises and disposed of their blood-stained clothes to evade detection.

2.6. The Prosecution relies upon Call Detail Records of mobile numbers allegedly used by the Applicant and co-accused Kartik Chauhan, to prove their presence at or near the scene and point out sustained *inter se* calls between them, before, during and after the incident.

2.7. Sushma Rani correctly identified all recovered articles in the Test Identification Parade of the recovered case property, including the



deceased's jewellery, recovered at the instance of co-accused Kartik Chauhan.

2.8. The chargesheet was filed under Sections 302, 394, 397, 328, 411, 34, and 120B of the IPC. The FSL report received thereafter was filed as part of a supplementary chargesheet.

3. Counsel for the Applicant prays for regular bail on the following grounds:

3.1. The Applicant was arrested on 20th February, 2022 and has remained in judicial custody for over three years and eight months. Investigation stands concluded; the chargesheet was filed in 2022, and charges were framed on 6th February, 2023. Since then, only 2 out of 26 Prosecution witnesses have been examined; the remainder are largely formal, with no eye-witnesses and no asserted relationship to the Applicant. The State has not indicated a realistic timeline for completing the trial. The Applicant undertakes to comply with strict conditions, and there is no risk of absconding or tampering with evidence. On these considerations, her continued custody is wholly unwarranted.

3.2. The FSL report discloses no intoxicating substance either in the viscera of the deceased or in the blood sample of Sanjay Kumar Pal, who alleged that he was drugged that night of murder. No sedative wrappers or other material has been recovered from the scene to suggest use of sedatives. The scientific evidence thus undermines the Prosecution's allegation of administration of sedatives.

3.3. The alleged weapon (surgical blade) and the jewellery, said to be the case property, were not recovered at the instance of the Applicant.

3.4. In cross-examination, PW-1 Sushma Rani admitted to having seen the



jewellery boxes at the police station before the TIP, casting doubt on the integrity of the identification exercise.

3.5. The post-mortem notes seven injuries on the person of the deceased, four sharp and three blunt. If the deceased had indeed been rendered unconscious before the assault, the presence of multiple blunt-force injuries is unexplained. The pattern is rather consistent with resistance by the deceased and accords with the defence version that unknown masked assailants entered to rob and inflicted the injuries.

3.6. No Prosecution witness attributes any association between the Applicant and co-accused Kartik Chauhan. The statements recorded under Section 161 Cr.P.C. do not disclose any such connection, nor is any such linkage reflected in the alleged confession of the co-accused.

3.7. The Applicant was taken to the police station at midnight, in clear violation of Section 46(4) of the Cr.P.C., which prohibits the arrest of a woman after sunset and before sunrise without prior permission of a Magistrate. There is nothing on record to justify such detention or to show compliance with the statutory mandate. She remained in custody overnight and was coerced to sign several blank documents.

3.8. The judicial record of Case C.C. No. 429/2021, which was summoned before the Trial Court, discloses that the deceased had previously lodged multiple complaints against several relatives, namely, Ravi Pal (son of witness Sushma Rani), Sanjay Kumar Pal, Vikrant Kundra and his wife Pooja Kundra, Rajiv, and Renu. These complaints pertained to threats to her life, extortion of money, theft of jewellery articles, and attempts to dispossess her of immovable property. These antecedents furnish a credible alternate hypothesis and materially weaken the Prosecution's narrative.



3.9. The Applicant is a 28-year-old woman, a law graduate, with no prior criminal antecedents. She has been divorced by her husband, who has since remarried. The Applicant's seven-year-old child is presently in the custody of her former husband's relatives, without proper care or support. The Applicant's release is imperative in order to enable her to resume care of her minor son.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, opposes the bail application, contending that the Applicant is involved in the brutal and cold-blooded murder of her own mother. It is alleged that the Applicant, in conspiracy with co-accused Kartik Chauhan, administered sedative substances to the deceased and thereafter actively participated in inflicting fatal injuries using a surgical blade. The incident is stated to be a premeditated act, motivated by the deceased's threat to disinherit the Applicant from her property if she continued her relationship with her lover and failed to resume her matrimonial relationship. Reliance is placed on CDR analysis, which establishes consistent communication between the Applicant and the co-accused before, during, and after the incident, indicating a well-planned conspiracy. The Applicant falsely attempted to attribute the offence to unidentified masked assailants in an effort to mislead the investigation. Having regard to the gravity and heinous nature of the offence punishable under Section 302 IPC, as well as the seriousness of the allegations, the Applicant's release at this stage would not be conducive to the fair conduct of the trial. The State apprehends that, if enlarged on bail, the Applicant may tamper with evidence or influence Prosecution witnesses, several of whom are related to her, and thus susceptible to pressure.



Analysis:

5. The Court has considered the rival submissions and perused the material placed on record. The Applicant stands arraigned for the alleged murder of her mother. The accusation is unquestionably grave and the charge under Section 302 IPC carries the severest penal consequences. While gravity of the offence is a relevant factor, but it is not the sole touchstone. At the stage of bail, the Court does not undertake a mini-trial or return conclusive findings that might prejudice either side at trial. The inquiry is limited to a *prima facie* appraisal of the accusation and the material on record, viewed through the settled bail parameters: nature and gravity of the offence, the specific role alleged, the quality and reliability of the prosecution material at first look, the likelihood of abscondence, the possibility of tampering with evidence or influencing witnesses, antecedents, and the stage and progress of the trial. The presumption of innocence remains the governing premise.

6. The Prosecution's case against the Applicant is premised on the allegation of a criminal conspiracy between her and co-accused Kartik Chauhan. The alleged motive for the offence arises from the deceased's threat to disinherit the Applicant, owing to her refusal to resume cohabitation with her husband and her continued relationship with her lover. However, motive assumes relevance only when there is sufficient evidence to establish the foundational facts of the alleged offence, and motive alone, in the absence of credible evidence, cannot sustain the charge.⁴

7. There are no eye-witness, and the case rests on a circumstantial assemblage, disclosures, recoveries, CDRs, and a TIP of jewellery, each of



which must be looked at for *prima facie* probative value rather than weight. On that limited appraisal, there is, as yet, no cogent material that directly connects the Applicant to the homicidal act; the suggested domestic/property motive, even if assumed, cannot by itself supply the missing link.

8. The Applicant, for her part, points to prior complaints lodged by the deceased against other close relatives, including her brother, Sanjay Kumar Pal, and the son of her sister, Sushma Rani, alleging threats to life, extortion, theft of jewellery, and efforts to dispossess her of immovable property. This material is relied upon to suggest alternative suspects and competing motives. Questions of motive are, however, matters for the Trial Court to resolve on the basis of evidence adduced in trial, and cannot be adjudicated at the bail stage. That said, the defence has, at least *prima facie*, set up a plausible alternate hypothesis, which the Court cannot ignore in assessing whether continued pre-trial detention is warranted.

9. The Prosecution has further alleged that the Applicant, in furtherance of a conspiracy with co-accused Kartik Chauhan, administered sleeping pills to the deceased and her maternal uncle by mixing the same in tea, thereby rendering them unconscious, which allegedly facilitated the commission of the offence. However, a *prima facie* examination of the FSL report does not support the presence of any intoxicating or sedative substance in the relevant exhibits. While caffeine was detected in the tea sample (Exhibit-3), the viscera of the deceased and the blood sample of the maternal uncle did not reveal the presence of any metallic poisons, ethyl or methyl alcohol, cyanide, phosphide, alkaloids, barbiturates, tranquilizers, or pesticides. This is not dispositive of the Prosecution's case, or forecloses them from proving

⁴ 2024 INSC 735.



sedation at trial, but for present purposes, it reduces the *prima facie* strength of that hypothesis.

10. The State also relies on CDRs to reflect sustained *inter se* calls between the Applicant and co-accused Kartik Chauhan before, during and after the incident, as indicia of conspiracy; however, the CDRs are, at best, corroborative of contact and do not, *prima facie*, advance the case to the point of justifying continued incarceration. Their evidentiary worth will be tested at trial.

11. The Applicant has been in custody since 20th February, 2022, and has thus, undergone incarceration for a period exceeding three years and eight months. The investigation stands concluded; all material recoveries have been effected; and the chargesheet has been filed in the year 2022. The Applicant's custodial presence is, therefore, not required for the purposes of investigation or any further recovery.

12. It is further significant to note that charges were framed as far back as on 6th February, 2023, and since then, only two out of twenty six Prosecution witnesses have been examined. The protracted nature of the trial and the undue delay in recording evidence also weigh in favour of the Applicant.

13. The Applicant is a young woman aged 28 years and a single mother to a minor child, who has reportedly been left in the care of her husband's relatives, as the husband is not attending to the child. Prolonged incarceration, in these circumstances, bears directly upon the child's welfare and deprives him of the care and supervision of his natural guardian. The plea for bail, therefore, also warrants consideration on humanitarian grounds.



14. As to the State's apprehensions of abscondence or witness-tampering, there is no material of past delinquency; the Applicant has no criminal antecedents and is not shown to be a habitual offender. The remaining Prosecution witnesses are neither eye-witnesses to the occurrence nor closely connected to the Applicant, diminishing the likelihood of undue influence. In any case, such risks can be effectively mitigated by tailored conditions, rather than by continued incarceration.

Conclusion and Directions:

15. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved is to secure the attendance of the accused person at the trial.⁵ In the present case, considering the prolonged incarceration of the Applicant, the snail-pace of trial, the absence of direct *prima facie* evidence, her status as a single mother, and her clean antecedents, this Court is of the view that a case for grant of regular bail is made out. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- c. The Applicant shall, under no circumstance, leave the country without the permission of the Trial Court;
 - d. The Applicant shall provide the address where she would be residing after their release and shall not change the address without informing the concerned IO/ SHO;
 - e. The Applicant shall, upon her release, give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times; and
 - f. The Applicant shall report to the concerned PS on the first Monday, every two months; however, she shall not be kept waiting for more than one hour.
16. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
17. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application, and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
18. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.
19. The bail application is allowed in the afore-mentioned terms. Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

OCTOBER 28, 2025/as