



2025:AHC:175231

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 32168 of 2025

Satyaveer Singh Pali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Pankaj Kumar, learned counsel for the applicant, Sri V.D. Ojha, learned AGA for the State and perused the material on record.

3. This bail application under Section **483 of B.N.S.S.** has been filed by the applicant Satyaveer Singh Pali, seeking enlargement on bail during trial in connection with Case Crime No.340 of 2024, under Section(s) 103(1) B.N.S., registered at P.S. Ujhani, District- Budaun.

4. The F.I.R. of the matter was lodged on 30.7.2024 by Omprakash Jatav against the applicant and one unknown person alleging therein that his cousin sister-in-law Deepmala was married to Satyaveer Pali. Deepmala had some ancestral property which she sold and out of the said money she got a tempo purchased for Satyaveer. She had money with her and they used to enjoy out of it. When money finished the accused used to assault her. On 22.7.2024 Satyaveer in an intoxicating condition along with two other persons assaulted Deepmala on which she became unconscious and then he left her and ran away with tempo since then. In the night of 28/29.07.2024 at about 1.00 a.m. during treatment she died in Saifai Medical College. A report be lodged and action be taken.

5. Learned counsel for the applicant argued that although the applicant is husband of the deceased but there is no eye witness to the incident. It is submitted that the first informant is not the eye witness. It is submitted

that the deceased/Deepmala was found to have received injury on her temporal region and cause of death was opined as coma due to ante mortem head injury. It is submitted that in the present matter trial has started in which the first informant/Omprakash Jatav has been examined as P.W.-1 who stated that the applicant assaulted the deceased but the same was informed by Nemwati and Guddu. Further Smt. Mamta the wife of the informant has been examined as P.W.-2 before the trial court who is also not an eye witness to the incident. Krishna Pal Singh has been examined as P.W.-3 who did not support the prosecution case and has been declared hostile. It is submitted that Nemwati has been examined as P.W.-4 who also did not support the prosecution case and has been declared hostile. Guddu is also not an eye witness to the incident, copies of the said statements have been collectively annexed as annexure no. 8 to the affidavit. It is submitted that there is no eye witness to the incident and implication of the applicant is on the basis of suspicion only. It is argued that the applicant has no other criminal antecedents as stated in para-27 of the affidavit and is in jail since 02.09.2024.

6. Per contra, learned State counsel opposed the prayer for bail.

7. After having heard learned counsels for the parties and perusing the record, it is evident that there is no eye witness to the incident. The first informant and his wife are not eye witness to the incident. The first informant has been examined as P.W.-1 in the trial who states of Nemwati and Guddu informing him about the incident. Nemwati has been examined as P.W.-4 who also did not support the prosecution case. Krishna Pal Singh has been examined as P.W.-3 who did not support the prosecution case. Guddu has not been arrayed as the alleged eye witness to the incident who informed the first informant about the incident.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant- Satyaveer Singh Pali, be released on bail in the aforesaid case crime number on furnishing a personal bond and two

sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS, 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 BNS, 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS, 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS, 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

10. The identity, status and residential proof of sureties will be verified by

court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

11. The bail application is allowed.

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

(Samit Gopal,J.)

September 26, 2025
Naresh