



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 12408 of 2026

Deepak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Janardan Prasad Tripathi, Mahendra Singh, Srijana Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sr. No.74 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant and the counter affidavit filed by learned A.G.A. are taken on record.
2. Heard Sri Mahendra Singh, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.292 of 2024, under Sections 80(2), 85, 115(2) BNS and 3/4 D.P. Act, Police Station Junawai, District Sambhal, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 7.7.2025 passed in Criminal Misc. Bail Application No.23238 of 2025, and the following order was passed:-

"1. List has been revised.

2. Heard Sri Mahendra Singh, learned counsel for the applicant and Sri R.P. Patel, learned State Law Officer and perused the record.

3. Applicant seeks bail in Case Crime No. 292 of 2024, under Sections 80(2), 85, 115(2) of BNS and Sections 3/4 of Dowry Prohibition Act, Police Station - Junawai, District - Sambhal, during the pendency of trial.

4. *Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. The FIR is delayed by about one day and there is no explanation of the said delay caused. The cause of death of deceased person has been found to be asphyxia as a result of ante-mortem hanging.*

5. *Learned counsel has also relied upon the statement of the doctor who has stated that the applicant had tried to save her life as he took her to him but she had already expired, as such, the allegations made against the applicant are false. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 28.11.2024. In case, the applicant is released on bail, he will not misuse the liberty of bail.*

6. *Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the FIR is not delayed rather it was instituted within a period of six hours. The deceased had expired within the precincts of the house of the applicant, as such, the applicant is not entitled for bail.*

7. *Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties, nature of offence, evidence on record, pending trial, complicity of accused, severity of punishment and considering the fact that the deceased had expired within the precincts of the house of the applicant coupled by the fact that there was demand of one motorcycle as dowry, I do not find it a fit case to release the applicant on bail.*

8. *The bail application is, accordingly, rejected.*

9. *However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.*

10. *It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail*

application and the said observations shall have no bearing on the merits of the case during trial."

5. Learned counsel for the applicant has stated that two witnesses, PW-1 & PW-2, have been examined during trial and they have not supported the prosecution story, rather they have been cross-examined by the public prosecutor after declaring them hostile during cross-examination. As such, there is no likelihood of conviction of the applicant in the present case. There is no criminal history of the applicant. The applicant is languishing in jail since 28.11.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the witnesses have turned hostile, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Deepak**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 12, 2026
Vikas Verma