



2026:AHJ:58269

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31079 of 2025

Saddam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Mir Sayed, Subhash Chandra Pandey
Counsel for Opposite Party(s)	: G.A., Mohd. Shaafi, Shujauddin

Court No. - 66
(Sl. No. 75 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Mir Sayed, learned counsel for the applicant and Sri Shujauddin, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 587 of 2024, under Sections 85, 80(2), 103(1), 61(2) of BNS and Sections 3/4 of D.P. Act, Police Station- Tanda, District - Rampur**, during the pendency of trial.
4. Learned counsel for the applicant has submitted that the applicant is the husband of the deceased and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is further contended that at the time of the alleged incident, the applicant was carrying his wife on his motorcycle, and her clothes (dupatta) inadvertently got entangled in the rear wheel of the motorcycle, resulting in her strangulation. On this basis, it is argued that the incident was purely accidental in nature and the applicant has been falsely implicated.
5. Learned counsel has further submitted that the applicant himself sustained injuries in the said incident and was admitted to the hospital on 23.11.2024 at about 08:00 PM. As per the medical report, it is recorded that the applicant had fallen from a motorcycle. The report indicates that the applicant sustained five abrasions, which are consistent with injuries that may occur in a road accident.

6. Learned counsel has further contended that the applicant is languishing in jail since 25.11.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned counsel for the informant as well as learned A.G.A. have vehemently opposed the bail application on the ground that the applicant is named in the FIR. It is a case of smothering and the applicant being her husband, is not entitled for bail. It is further argued that the applicant did not sustain any significant injury, as is evident from the medical report itself. It is contended that the applicant has attempted to create a false defence by subsequently getting himself admitted to the hospital, and therefore, no benefit can be extended to him on this ground.

8. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the fact that the cause of death of deceased has been found to be asphyxia as a result of smothering and also the fact that there being no injury observed on the body of the applicant, I do not find it a fit case to release the applicant on bail.

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

10. 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.

11. 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.

March 18, 2026

Siddhant

(Krishan Pahal,J.)