



2026:AHC:55834

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35766 of 2025

Smt Aarti

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Madhukar Maurya
Counsel for Opposite Party(s)	:	G.A., Shivang Shukla, Shubhang Shukla

Court No. - 66

(Sr. No.91 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.83 of 2025, under Sections 103(1), 3(5) BNS, Police Station Koshikalan, District Mathura, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the said offence. The FIR is delayed by about twelve days and there is no explanation of the said delay caused. No postmortem examination of the dead body of the deceased was conducted. The deceased got electrocuted, as such, was cremated.
5. Learned counsel for the applicant has further argued that the applicant has simply been made an accused on the basis of CDR, whereby presence of applicant and co-accused Pushpendra @ Pawan alongwith the deceased person was found within the area of one and the same tower. The said CDR does not indicate that applicant was present at the place of occurrence.
6. It is further argued by learned counsel for the applicant that there is a statement of son of the deceased person Jai recorded U/s 183 BNSS, whereby he has stated that the applicant had mounted the deceased on his

chest and had smothered him, thereby co-accused person Pushpendra @ Pawan electrocuted him. It is further stated that it is not possible to electrocute a person while other person mounted him on his body, as such, the said statement cannot be relied upon recorded by the Magistrate concerned on 3.2.2025 i.e. after a delay of about 16 days from the incident as an afterthought.

7. Learned counsel for the applicant has next contended that the said statement is tutored one. As such, the applicant is entitled to bail. The applicant has no criminal history and is languishing in jail since 1.2.2025. She is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of bail.

8. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the statement of son of the deceased person categorically implicates the applicant to be the main accused person, as such, she is not entitled to bail.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and there being no postmortem examination report and even the statement of son of the deceased person having been recorded after a delay of 16 days from the incident, and without expressing any opinion on the merits of the case, *prima facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

10. Let the applicant- **Smt Aarti**, 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 she shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

(Krishan Pahal,J.)

March 18, 2026

Vikas Verma