



2026:AHJ:58719

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41013 of 2025

Altaf Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Prashant Agrawal, Saurabh Basu,
Virendra Singh Parmar

Counsel for Opposite Party(s) : G.A.

Court No. - 66

(Sl. No. 57 out of 116)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today by the learned counsel for the applicant is taken on record.

2. Heard Sri Virendra Singh Parmar, learned counsel for the applicant and learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No. 181 of 2025, under Sections 103(1), 305, 316(2), 317(2) of BNS, Police Station - Rath, District - Hamirpur**, 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. He has nothing to do with the said offence as alleged in the FIR. It is contended that the applicant himself is engaged into the business of goldsmith, as such, he possesses gold which has been shown to be recovered at his pointing out.

5. Learned counsel has also stated that the FIR is delayed by about two days and there is no explanation of the said delay caused. The cause of death of deceased could not be ascertained, as such, her viscera was preserved. As per viscera report, aluminium phosphide has been found in it. It is also stated that a false recovery of Baleno car has been foisted on the applicant.

6. Learned counsel has placed much reliance upon para-7 of the judgement of this Court passed in **Hasib Vs. State of U.P.** reported in **2025:AHC:181883**. The relevant para-7 reads as under:-

*"7. In support of his submission, learned counsel has placed much reliance on the judgment of the Supreme Court in **Jaipal vs. State of Harayana, (2002) AIR (SC) 3447**, whereby it was opined that the said poison cannot be administered to any person forcibly. The relevant paragraphs of the said judgment are as follows:-*

"14. Dr. Sharma admitted during his cross-examination that aluminium phosphide has a smell. If celphos table is kept open in a room it will fill the room with smell. It is this characteristic of celphos poison emitting pungent smell which renders it improbable to be administered deceitfully and that is why this poison is not generally used in cases of homicidal death. Celphos once administered or consumed spreads rapidly in the body and kidney, liver, spleen, heart and lungs are affected by the poison. The presence of such poison having been consumed would be revealed by pathological findings.

19. We may briefly sum up the opinion of the learned authors from their published paper. Phosphine gas (active ingredient of ALP) causes sudden cardiovascular collapse; most patients die of shock, cardiac arrhythmias, acidosis and Adult Respiratory Distress Syndrome (ARDS). Aluminium phosphide is available in the form of chalky white tablets. When these tablets are taken out of the sealed container, they come in contact with atmospheric moisture and the chemical reaction takes place liberating phosphene gas (PH₃) which is the active ingredient of ALP. This gas is highly toxic and effectively kills all insects and thus preverves the stored grains. When these tablets are swallowed, the chemical reaction is accelerated by the presence of hydrochloric acid in the stomach and within minutes phosphine gas dissipates

and spreads into the whole body. The gas is highly toxic and damages almost every organ but maximal damage is caused to heart and lungs. Sudden cardiovascular collapse is the hallmark of acute poisoning. Patients come with fast thready or impalpable arterial pulses, unrecordable or low blood pressure and icy cold skin-Somehow these patients remain conscious till the end and continue to pass urine despite unrecordable blood pressure. Vomiting is a prominent feature associated with epigastric burning sensation. The patients will be smelling foul (garlic like) from their breath and vomitus. Many of them will die within a few hours. Those who survive for some time will show elevated jugular venous pressure, may develop tender hepatomegaly and still later Adult Respiratory Distress Syndrome (ARDS), renal shut down and in a very few cases toxic hepatic jaundice. The active ingredient of ALP is phosphine gas which causes extensive tissue damage. A spot clinical diagnosis is possible in majority of cases of ALP poisoning. However, ALP on account of its very pungent smell (which can drive out all inmates from house if left open) can not be taken accidentally.

28. In the present case we do not find any abnormality in the conduct of the accused. He is an educated person, a teacher. If only he had administered any poison to the deceased he would not have gone to the private clinic and government hospital where poisoning as a cause of death would be immediately known or at least strongly suspected by the doctor attending on the victim. Rather the accused wanted to be in the company of the deceased and to have her treated. He attended on her at Navjeevan Hospital and took her to Civil Hospital."

7. Learned counsel has next contended that the deceased has committed suicide and the informant has falsely implicated the applicant in the present case. It is further stated that the applicant is languishing in jail since 06.05.2025, 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.

8. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, the aforesaid judgement of this Court and the relevant paragraph relied on by the learned counsel for the applicant and also considering the fact that the delay of two days in lodging the FIR, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Altaf Ali**, 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.

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

(Krishan Pahal,J.)

March 19, 2026

Siddhant