2026:AHC:207825

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 23725 of 2026

Dheeraj Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kuldeep Singh Chahar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N. K. Sharma, learned A.G.A. for the State-opposite party. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 202 of 2026, under Sections 108 and 238 B.N.S., Police Station- New Agra, District- Agra during pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. No post mortem examination of the deceased has been conducted. Further, as per the allegations in the first information report, the statement of witnesses namely, Smt. Girja, Smt. Vandana, Akash, the daughter of the deceased namely, Mohini and the material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. Mere allegations of assault, harassment or alleged utterance of words "go and die", in the absence of any positive act of instigation, intentional aid, on the part of the applicant, would not by themselves, constitute the offence of abetment of suicide. In support of his submission, counsel for the applicant has placed reliance on the judgement of the Hon'ble Supreme Court in the cases of **Nipun Aneja and others vs. State of Uttar Pradesh (Criminal Appeal No.654 of 2017)** decided on 03.10.2024 and **Abhinav Mohan Delkar vs. The State of Maharashtra and others (Criminal Appeal Nos.2177-2185 of 2024)** decided on 18.08.2025. Criminal history of the applicant has been explained in paragraph no. 12 of the rejoinder affidavit. The applicant is in jail since 29.05.2026 and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that as per the allegations in the first information report, the statement of witnesses namely, Smt. Girja, Smt. Vandana, Akash, the daughter of the deceased namely, Mohini and the material collected during the course of investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. There is no direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant has remained confined for more than four months and after submission of charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Dheeraj Kumar** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 5, 2026
Abhishek

(Vivek Varma, J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad