HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34685 of 2026

Smt. Sangeeta Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shravan Kumar Mishra, Snehil
Counsel for Opposite Party(s)	:	G.A., Puneet Mishra

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri O.P. Chaubey, advocate holding brief of Sri Shravan Kumar Mishra, learned counsel for the applicant, Sri Puneet Mishra, learned counsel for first informant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 214 of 2026, under Sections- 80(2), 85 of BNS and 3/4 D.P. Act, Police Station- Sipri Bazar, District- Jhansi, during the pendency of the trial.

3. Pursuant to order dated 14.10.2026, I.O. of this case, Sri Lakshmi Kant Gautam, Deputy Superintendent of Police is present and apprised the Court that date of incident is 11.05.2026 at about 5.00 P.M., the FIR was lodged on 12.05.2026, after applicant visited the house of deceased and no other person was present there and even neigbhours of the applicant refused to give any statement and for that reason he could not record the statement of any independent witness. It is also expected by the I.O. that though father of first informant has stated in FIR as well as statement that prior to the incident in question i.e. at 4.36 P.M. he had telephonic conversation with the deceased, but he did not collect the CDR to verify this fact. Though, the subsequent I.O., Sri Rambir Singh, who was present on 14.10.2026 before this Court had collected the CDR of the mobile phone of the first informant which duly substantiated the fact of telephonic conversation of the first informant with the deceased. Though, the Court is satisfied with the explanation submitted by Sri Lakshmi Kant

Gautam, Deputy Superintendent of Police in not recording statement of independent witness. However, prima facie, he was negligent is not taking the CDR of the mobile phone of the first informant.

4. The Court resist itself to pass any order against the Sri Lakshmi Kant Gautam, Deputy Superintendent of Police, however, it is expected that in future he will be more careful specially in the cases of heinous offences such as dowry death.

5. Learned counsel for the applicant submitted that the applicant is the mother-in-law of the deceased, who died because of falling from the second floor where she was staying along with her husband. It is further submitted that incident occurred because of dispute between the deceased and her husband. The applicant has been falsely implicated merely being the mother-in-law of the deceased, though there is no sufficient material against her to show that she harassed the deceased for non-fulfillment of demand of dowry prior to her death. The applicant has been falsely implicated by making general and vague allegations along with other family members. It is further submitted that for invoking presumption of dowry death in case of death under unnatural circumstances within seven years of marriage, there must be sufficient material to show that the deceased was subjected to cruelty soon before her death, but there is no such material. It is lastly submitted that charge-sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. It is further submitted that the applicant has no criminal history and being a lady, she is entitled to be released on bail in view of Section 480 BNSS. The applicant is a law abiding citizen and she is languishing in jail since 14.05.2026. In case, she is granted bail, she will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that applicant is a **lady** and she was residing at ground floor while deceased was residing on second floor along with her husband, and also keeping in view the nature of offence, evidence, complicity of the accused and also

taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Smt. Sangeeta Tiwari,** involved in the aforementioned crime be released on bail, on her furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by her.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

19. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is made clear that the applicant shall be released on the basis of

computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. Office is directed to send a copy of this order to the applicant through **Jhansi Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025,** decided on **29.05.2026.**

15. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

October 24, 2026
Arvind

Digitally signed by :-
ARVIND KUMAR GUPTA
High Court of Judicature at Allahabad