2026:AHC:209576

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32984 of 2026

Soniya Kashyap

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Lokesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Rahul, Advocate holding brief of Sri Lokesh Kumar, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.53 of 2026, under Sections 103(1), 238(a), 3(5) BNS, Police Station Nai Mandi, District Muzaffarnagar, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR but it is the case of circumstantial evidence.

4. He submits, even it reflects that FIR is based on the information given by the witness Deepak and from his statement, however it reflects that deceased went along with applicant and thereafter, his dead body was found but from his statement, it also reflects that when deceased after some times did not return, then witness Deepak made query from the applicant and applicant informed him that about ten minutes before deceased had already gone and thereafter she also searched the deceased along with him and, therefore, this fact shows the innocence of the applicant. He next submits, merely on the basis that applicant last time had gone along with the applicant, she has been made accused in the present matter.

5. He further submits, except the above circumstance, there is no other circumstance which can connect the applicant with the instant crime.

6. He further argued, even it is a case of circumstantial evidence and prosecution could not disclose any motive against the applicant.

7. He further submits, applicant is a lady and she is not having any previous criminal history and in the present matter she is in jail since 02.02.2026 i.e. for last eight months.

8. Per contra learned AGA opposed the prayer for bail but could not dispute the arguments on fact advanced by learned counsel for the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, applicant is named in the FIR but it is the case of circumstantial evidence and it reflects, as according to the prosecution deceased had gone along with the applicant and thereafter, his dead body was found therefore, she has been made accused in the present matter but from the statement of the witness Deepak, it reflects that applicant informed him that about ten minutes before deceased left her company and thereafter she also tried to search the deceased along with the witness Deepak. Considering this fact, the above circumstance cannot be said to be incriminating circumstance against the applicant.

11. Further, however it is a case of circumstantial evidence but it reflects that prosecution could not even disclose any motive against the applicant.

12. Further, applicant is a lady and she is not having any previous criminal history and in the present matter she is in jail for last eight months.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant - **Soniya Kashyap** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless her personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. 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.

(Sameer Jain,J.)

October 6, 2026
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad