2026:AHC:210004

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35842 of 2026

Fareeda

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ashutosh Upadhyay, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 170 of 2026, under Sections 103(1), 85 BNS and Section 3/4 D.P. Act, Police Station Kotwali Nagar, District Banda during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is mother-in-law of the deceased and as per allegation she alongwith others set fire upon the deceased and even in the incident minor daughter of the deceased and her husband also sustained burn injuries but entire allegation leveled against applicant is totally false.

4. He next submits, from the statement of Ajmal son of deceased aged about eight years which has been annexed at page-67 of the paper-book it reflects, co-accused Sazia, the sister-in-law of the deceased set fire and therefore she appears to be prime accused and it reflects, as applicant is mother-in-law of the deceased therefore she has also been made accused in the present matter.

5. He further argued, father-in-law of the deceased Rafeeq has been released on bail by this Court vide order dated 22.09.2026 passed in criminal Misc. Bail Application No. 28633 of 2026 and case of applicant is at par with him.

6. He further submits, applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 31.03.2026.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

9. Applicant is mother-in-law of the deceased and as per prosecution he alongwith others set fire due to which deceased died and her minor daughter and even her husband sustained burn injuries but husband of the deceased is also one of the co-accused.

10. From the statement of Ajmal, the son of deceased aged about eight years recorded by the Investigating Officer it reflects, co-accused Sazia, the sister-in-law of the deceased was the prime accused who set fire. Considering the fact that applicant is mother-in-law of the deceased the argument advanced by learned counsel for the applicant with regard to her false implication cannot be completely ruled out at this stage.

11. Further, father-in-law of the deceased Rafeeq has been released on bail by this Court and case of applicant is at par with him.

12. Further, applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 31.03.2026.

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 - Fareeda 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 his 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.

October 7, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad