HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34001 of 2026

Balakram

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravindra Kumar Mishra, Satya Prakash Mishra
Counsel for Opposite Party(s)	:	Vivek Kumar Mishra, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party, and Sri Vivek Kumar Mishra, learned counsel for the informant.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 155 of 2026, under Section 108 B.N.S., Police Station Rahra, District Amroha during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 29.05.2026, whereas the first information report was lodged on 26.06.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. According to the postmortem report, the cause of death is asphyxia due to hanging. Further, as per the allegations in the first information report 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. The applicant, in no manner, abetted the commission of suicide by the deceased. Mere allegations of extending threats or harassment in absence of any positive act of instigation or intentional aid on the part of the applicant would not constitute the offence of abetment to suicide. In support of his submission, learned counsel for the applicant has placed reliance on the judgement of the Apex Court in the cases of **Nipun Aneja and others v. State of Uttar Pradesh, Criminal Appeal No. 654 of 2017,** decided on 03.10.2024, and **Abhinav Mohan Delkar v. The State of Maharashtra and others, Criminal Appeal Nos.**

2177-2185 of 2024, decided on 18.08.2025. Investigation has been completed and the charge-sheet has been submitted. The applicant has no criminal antecedents. The applicant is in jail since 19.08.2026 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. As per the allegations in the first information report 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 two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Balakram, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

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 24, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad