HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34556 of 2026

Leelawati Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Pawan Kumar Rao, learned counsel for the applicant, Sri Bhupendra Pal 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. 300 of 2026, under Sections- 80(2), 85 BNS and 3/4 D.P. Act , Police Station- Gauri Bazar, District- Deoria, during the pendency of the trial.

3. This matter was heard on 12.10.2026, and on that date, learned A.G.A. informed the Court that, despite the letter dated 29.09.2026 sent to the Office of the Superintendent of Police, Deoria, instructions had not been supplied. The said letter was received by the Office of the Superintendent of Police, Deoria, on 01.10.2026. Therefore, this Court directed the Superintendent of Police, Deoria, to personally appear before this Court and explain the reason as to why instructions had not been supplied to the learned A.G.A. despite his intimation. In pursuance of the order of this Court dated 12.10.2026, Sri Abhijit R. Shanker, Superintendent of Police, Deoria, has appeared before this Court in person and apprised the Court that the letter of the learned A.G.A. was received in the writ cell of his office on 01.10.2026 and the same was handed over to the concerned parokar on 02.10.2026. However, instead of getting the instructions prepared, the concerned parokar kept the same with him and proceeded on leave. Therefore, action has been taken against the concerned parokar. He further apprised the Court that the concerned Circle Officer was also

under the duty to supervise whether the order of the High Court had been complied with or not. Therefore, he also directed an enquiry to be conducted against the Circle Officer.

4. The Court is satisfied with the explanation submitted by Superintendent of Police, Deoria. Pursuant to order of this Court dated 25.11.2025, DGP has also issued circular dated 6.1.2026 to District Police Chief for ensuring the timely supplying the instructions to learned AGA in bail matters and failing which, appropriate proceeding may also be initiated. Therefore, this Court has expected that Superintendent of Police, Deoria shall be more careful in future.

5. Contention of learned counsel for the applicant is that the applicant is the mother-in-law of the deceased, who committed suicide by hanging herself after a petty dispute over household issues. 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 23.08.2026. 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 the mother-in-law of the deceased 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- **Leelawati Devi,** 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 **Deoria 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**.

16. Since the instructions had not been supplied by the police despite the letter dated 29.09.2026 sent to the Office of the Superintendent of Police, Deoria, the bail application of the applicant could not be disposed of on 12.10.2026, though it was a clear-cut case for bail. The bail application could be heard only today, i.e., after more than 12 days. Therefore, the applicant, being a lady, has remained in jail for 12 days due to the fault of the police department. Accordingly, the police department is directed to pay Rs. 25,000/- to applicant within one month and department is at liberty to recover the same from the salary of the police officers found negligent in the enquiry.

(Arun Kumar Singh Deshwal,J.)

October 24, 2026
Arvind

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