HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34513 of 2026

Virendra Jaiswal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avinash Chandra Tiwari, Shyam Kishore Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Despite time granted to learned A.G.A. on 28.9.2026 and 12.10.2026, the viscera report of the deceased has not been produced.

2. Heard counsel for the applicant and Sri S.S. Pandey, learned AGA for the State-opposite party. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 189 of 2026, under Section 105 B.N.S., Police Station- Rampur Karkhana, District- Deoria, during the pendency of the trial.

4. Counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. The first information report has been lodged by the mother-in-law of the applicant. The incident is alleged to have occurred on 29.07.2026, whereas the first information report was lodged on 01.08.2026. The delay in lodging the first information report is fatal to the prosecution case. Further, as per the allegations in the first information report, the applicant along with the co-accused Nandji, Panmati and Guddi Devi is alleged to have assaulted the daughter of the informant (wife of the applicant). She was taken to the hospital where she succumbed to her injuries. As per the postmortem report, the cause of death could not be ascertained. *Viscera was preserved for chemical examination and whole heart was preserved for histopathological analysis*. Viscera report is not part of the case diary. As per the statements of the doctors, namely, Dr. Ajeet Kumar and Mohammad Iqbal, the possibility of the deceased having consumed poison could not be ruled out, the cause of death was not clear, the viscera was preserved for forensic examination. It is next contended that the medical evidence does not support the prosecution

case. The death of the applicant's wife cannot be attributed to the alleged incident dated 29.7.2026. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 02.08.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court *prima facie* finds that the first information report has been lodged belatedly. Medical evidence does not support the prosecution case. At this stage, there is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has no criminal antecedents and has remained confined for more than two and half months and after submission of the charge sheet there is no hope of early conclusion of trial, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Virendra Jaiswal**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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;

(iii) shall not pressurize the prosecution witnesses.

8. 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 29, 2026

Manish Kr

(Vivek Varma,J.)

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