2026:AHC:208334

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35466 of 2026

Arif

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Rohit Dwivedi, Rohit Kumar Sharma
Counsel for Opposite Party(s) : G.A., Shubham Pandey

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rohit Kumar Sharma, learned counsel for the applicant, Sri Himanshu Kumar, 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.177 of 2026, under sections 85, 80(2) BNS and 3/4 Dowry Prohibition Act 1961 at Police Station-Dibai, District Bulandshahr, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant is husband of the deceased and he has been falsely implicated though there is no material to show that soon before her death, she was subjected to cruelty for non-fulfillment of demand of dowry. It is further submitted that the deceased herself committed suicide by hanging after a petty dispute over household issues. Charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 11.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State vehemently opposed the prayer for bail and submitted that the deceased died within 7 years of her marriage under unnatural circumstances. He further submitted that statements of witnesses recorded during

investigation show that the applicant had been continuously harassing the deceased for non-fulfillment of demand of dowry which resulted into suicide by the deceased, therefore, he is not entitled to be released on bail.

5. Considering the submissions of learned counsel for the parties and taking into account the fact that the applicant is husband of the deceased, who committed suicide by hanging within 7 years of her marriage and evidence collected during investigation shows that she was subjected to cruelty with regard to demand of dowry prior to her death, therefore, in view of presumption of dowry death under Section 118 of Bharatiya Sakshya Adhiniyam, 2023, this Court is not inclined to grant bail to the applicant.

6. Accordingly, the present bail application is **rejected**.

7. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

October 6, 2026
S.C.

Digitally signed by :-
SHUBHAM CHAURASIA
High Court of Judicature at Allahabad