2026:AHC:207702

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35433 of 2026

Smt Vishal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Ran Vijay Singh and Ms. Shravan Kumari, Advocates have filed Vakalatnama on behalf of the informant. The same is taken on record.

2. Heard counsel for the applicant and Ms. Shravan Kumari, counsel for the informant and Sri V.P. Tripathi, 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. 146 of 2026, under Section 108 B.N.S., Police Station- Raksa, District- Jhansi, during the pendency of the trial.

4. Counsel for the applicant submits that the applicant is the aunt of the deceased and has been falsely implicated in the present case. The incident is alleged to have occurred on 11.07.2026, whereas the first information report was lodged on 14.07.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. As per the postmortem report, cause of death could not be ascertained. Viscera was preserved and sent for chemical analysis. Viscera report is not part of the case diary. Further, as per the allegations in the first information report, the alleged suicide note, the statements of the witnesses, namely, Rampal Singh, Bahadur Singh 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. Mere allegations that the applicant used to harass and humiliate the deceased, his mother and the informant or that there was a property dispute, in the absence of any positive act of instigation, intentional aid, or proximate conduct compelling the deceased to commit suicide, do not constitute the offence of abetment to suicide. In support of his submission, counsel for the applicant has placed reliance on the judgement of the Hon'ble

Supreme Court in the cases of ***Nipun Aneja and others vs. State of Uttar Pradesh (Criminal Appeal No.654 of 2017) decided on 03.10.2024*** and ***Abhinav Mohan Delkar vs. The State of Maharashtra and others (Criminal Appeal Nos.2177-2185 of 2024*) *decided on 18.08.2025***. The applicant is in jail since 26.8.2026 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 and counsel for the informant have 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. As per the allegations in the first information report, the alleged suicide note, the statements of the witnesses, namely, Rampal Singh, Bahadur Singh 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 proximate or direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant is a lady having no criminal antecedents and has remained confined for more than a month and 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.

7. Let the applicant **Smt. Vishal**, 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 5, 2026

Manish Kr

(Vivek Varma,J.)

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