2026:AHC:207435

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35358 of 2026

Rahul @ Rahul Nagar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Sanjay Kumar Dubey, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 116 of 2025, under Sections 103(1), 352, 351(3) BNS, Police Station Hathras Junction, District Hathras during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is husband of the deceased and as per allegation he along with others committed her murder but entire allegations leveled against applicant are totally false.

4. He next submits, from the post mortem report it reflects, deceased sustained as many as four injuries but autopsy surgeon could not give any definite opinion whether she died due to smothering or throttling, therefore, he sought a report from the State Medico Legal Cell and after that supplementary post mortem report was prepared and according to it deceased died due to throttling.

5. He further submits, however, from the supplementary post mortem report it reflects, deceased died due to throttling but applicant was not aware about this fact and he immediately after the unfortunate incident informed the informant side that accidentally deceased died.

6. He further submits, after receiving information informant side arrived and they participated in the inquest and after one and half months FIR of the present case was lodged. He further submits, there is no evidence that

applicant committed the murder of his wife. He further submits, applicant is innocent and he is actually victim of the case who lost his wife in the alleged incident.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 06.05.2026.

8. Per contra, learned AGA opposed the prayer for bail and submits, applicant is husband of the deceased and his wife died in her matrimonial home due to throttling, therefore, it is a case of homicidal death and applicant could not explain the homicidal death of his wife.

9. Learned AGA further submits, even it is not the case of applicant that at the time of incident he was not present at home. He further submits, applicant is in jail only since 06.05.2026.

10. Learned AGA further submits, therefore, considering the facts of the case instant bail application may be dismissed.

11. I have heard learned counsel for the parties and perused the record of the case.

12. However, FIR of the present case was lodged after one and half months but applicant is husband of the deceased and as per supplementary post mortem report his wife died due to throttling in her matrimonial home therefore, it appears to be a case of homicidal death.

13. Further, in paragraph-8 of the affidavit filed in support of instant bail application applicant disclosed the fact that his wife died accidentally but he could not explain how she died due to throttling and therefore it appears, he could not come with clean hands specially considering the fact that it is not the case of applicant that on the date and time of incident he was not present in the house.

14. Further, applicant is in jail only since 06.05.2026.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 5, 2026
AK Pandey

(Sameer Jain,J.)

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