2026:AHC:210500

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35617 of 2026

Kalpati Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Abhishek Kumar Singh, Sumit Kumar Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Sumit Kumar Singh, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.21 of 2026, under Sections 108, 238(B), 3(5), 103(1) BNS, Police Station Bansdih, District Ballia, during pendency of the trial.

3. Learned counsel for the applicant submits, applicant is mother-in-law of the deceased and as per allegation she, along with her other family members including father-in-law of the deceased, committed the murder of her daughter-in-law but entire allegations levelled against the applicant are totally false.

4. He next submits, postmortem report of the deceased suggests that she died due to drowning, therefore, it reflects that deceased accidentally fell in the river and died and subsequently, a false report has been lodged by the informant.

5. He next submits, even after considering the entire facts in detail bail application of the co-accused Vijay Shankar Singh, father-in-law of the deceased has been allowed by this court vide order dated 14.09.2026 passed in Criminal Misc. Bail Application No.32661 of 2026 and on facts, case of the applicant is at par with him.

6. He further submits, applicant is a lady and she is not having any previous criminal history and in the present matter she is in jail since 30.03.2026 i.e. for last more than six months.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

9. However, as per allegation applicant who is mother-in-law of the deceased along with others committed the murder of her daughter-in-law but postmortem report of the deceased suggests that she died due to drowning. Considering the postmortem report of the deceased and the fact that initially, FIR of the present case was lodged under Section 108 BNS, the argument advanced by learned counsel for the applicant that it appears to be a case of accidental death cannot be ruled out at this stage.

10. Further, even co-accused Vijay Shankar Singh, father-in-law of the deceased has been released on bail by this Court and on facts case of applicant is at par with him.

11. Further, applicant is a lady and she is not having any previous criminal history and in the present matter she is in jail for last more than six months.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

14. Let the applicant - **Kalpati Devi** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed,

unless her personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. 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.

(Sameer Jain,J.)

October 6, 2026
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad