HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36489 of 2026

Rohit Shukla

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Jagmohan Singh, Ram Badan Maurya
Counsel for Opposite Party(s) : G.A., Sanjay Srivastava

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State and Sri Sanjay Srivastava, counsel for the information. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 0472 of 2025, under Section 108 B.N.S., Police Station- Sachendi, District- Kanpur Nagar during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 30.11.2025, whereas the first information report was lodged on 2.12.2025 under Section 103(1) B.N.S. The delay in lodging the first information report is fatal to the prosecution case. During the course of investigation Section 103(1) B.N.S. was deleted and the case was converted under Section 108 B.N.S. As per the postmortem report, cause of death is '*combined effects of asphyxia, venous congestion, consequent upon antemortem hanging and its related complications due to antemortem hanging*'. Further, as per the allegations in the first information report, second statement of the informant, statement of witness namely Amit Tiwari and the material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S., are not made out against the applicant. Mere allegations of assault, insult or harassment, in absence of any positive act of instigation, intentional aid, 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 judgements 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 other (Criminal Appeal Nos. 2177-2185 of 2024)** decided on **18.8.2025**. The criminal history of the applicant has been explained in para 18 of the bail application. The applicant is in jail since 17.7.2026. Investigation has been completed and charge-sheet has been filed. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. 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.

5. 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. Further, as per the allegations in the first information report, second statement of the informant, statement of witness namely Amit Tiwari and the material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S., are not made out against the applicant. There is no direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. The applicant has no criminal antecedents. The applicant has presently remained confined for more than three months 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Rohit Shukla** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

October 23, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad