2026:AHC:208862

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35529 of 2026

Usha Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avinash Chandra Tiwari, Priyanshi Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Ms. Priyanshi Gupta, learned counsel for the applicant, Sri Manoj Gautam, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 217 of 2026, under Section 105 B.N.S., Police Station- Ali Nagar, District- Chandauli, during pendency of the trial.

3. Counsel for the applicant submits that the applicant is the mother-in-law of the deceased and has been falsely implicated in the present case. As per the allegations contained in the first information report, the applicant along with her husband on 9.4.2026 during the day time assaulted the informant's daughter (since deceased) and after returning from work around 10 p.m., the co-accused Jeetu Bind caught hold of the informant's daughter, banged her head against the wall repeatedly and assaulted her with kicks and fists as a result she sustained several injuries. The informant's daughter was initially examined at a private hospital, thereafter she was referred for higher centre for better treatment. On her way to the hospital she died on 11.4.2026 around 6 p.m. Thereafter the first information report was lodged on 12.4.2026 at 02.01 p.m. The postmortem of the deceased was conducted on 12.4.2026. As per the postmortem report, two injuries were noticed. *Injury No.1- contusion with swelling around right eyewall, bluish in colour; Injury No.2- multiple contusion with abrasion over dorsum of left hand, bluish in colour*. In the opinion of the doctor, the cause of death is septicemia due to antemortem infection. It is contended that the medical evidence does not support the prosecution case. The cause of death cannot be attributed to the incident

dated 9.4.2026. The applicant neither had any requisite knowledge nor the intention to cause death. At this stage, there is no corroborative evidence to link the applicant with the offence. It is next contended that identically placed co-accused Chhangur Bind has been granted bail by this Court vide order dated 23.9.2026 passed in Criminal Misc. Bail Application No.20476 of 2026. Applicant claims parity. The applicant is in jail since 22.6.2026 having no criminal history. In case she is enlarged on bail, she will not misuse the said liberty.

4. Learned A.G.A. for the State 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 medical evidence does not support the prosecution case. At this stage, there is no corroborative evidence to link the applicant with the offence. Identically placed co-accused Chhangur Bind has been granted bail by this Court. Further, the applicant is a lady having no criminal antecedents. Moreover, the applicant has presently remained confined for more than three months and after submission of the charge sheet 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, **Usha Devi,** involved in the aforesaid case be released on bail on her 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.

October 6, 2026
Manish Kr

(Vivek Varma,J.)

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