2026:AHC:227757

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35913 of 2026

Madan Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 394 of 2026, under Sections 351(3), 108 B.N.S., Police Station Ramgarhtal, District Gorakhpur during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. According to the postmortem report, the cause of death is asphyxia due to ante mortem injury (hanging). Further, as per the allegations in the first information report, the statement of the wife of the deceased 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. The applicant, in no manner, abetted the commission of suicide by the deceased. Mere allegations of demand of money, harassment or extending threats in absence of any positive act of instigation or intentional aid on the part of the applicant would not constitute the offence of abetment to suicide. In support of his submission, learned counsel for the applicant has placed reliance on the judgement of the Apex Court in the cases of **Nipun Aneja and others v. State of Uttar Pradesh, Criminal Appeal No. 654 of 2017,** decided on 03.10.2024, and **Abhinav Mohan Delkar v. The State of Maharashtra and others, Criminal Appeal Nos. 2177-2185 of 2024,** decided on 18.08.2025. Identically placed co-accused Rajan Yadav has been granted anticipatory bail by this Court vide order dated 10.09.2026 passed in Criminal Misc. Anticipatory Bail Application

U/S 482 BNSS No. 8970 of 2026, Rajan Yadav v. State of U.P. Investigation has been completed and the charge-sheet has been submitted. Criminal history of the applicant has been explained in Paragraph-20 of the affidavit filed in support of the bail application and Paragraph-3 of the supplementary affidavit. The applicant is in jail since 04.08.2026 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that as per the allegations in the first information report, the statement of the wife of the deceased 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 direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant has remained confined for almost three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Madan Yadav, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,

(iii) shall not pressurize the prosecution witnesses.

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.

November 2, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad