HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36550 of 2026

Subhawati Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. No one appears on behalf of the applicant. However, learned AGA is present.

2. It has been informed that certain lawyers are protesting outside the Court in connection with the incident that occurred in Court No.49. It has been further informed that the protesting lawyers did not allow the learned counsel for the applicant to enter the court, as the gate has been locked from the outside. However, in the interest of justice, perused the record.

3. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 96 of 2026, under Sections 80(2), 85 of B.N.S. and 3/4 D.P. Act, Police Station Madanpur, District- Deoria.

4. From perusal of record, it appears that the applicant is **mother-in-law** of the deceased, who committed suicide by hanging herself after a petty dispute over household issues. The applicant has been implicated merely being mother-in-law of the deceased. The applicant has been implicated by making general and vague allegations along with other family members. For invoking presumption of dowry death in case of death under unnatural circumstances within 7 years of marriage, there must be sufficient material to show that the deceased was subjected to cruelty soon before the death, but there is no such material. As per record, the applicant has no criminal history and being a lady, she is entitled to be released on bail in view of Section 480 BNSS. She is languishing in jail since 11.09.2026.

5. On the other hand, learned A.G.A. for the State opposed the prayer for

bail and submitted that investigation of this case is at concluding stage but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case and taking into account the fact that the applicant is **lady** (mother-in-law) and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

7. Let the applicant- **Subhawati Devi** involved in the aforementioned crime be released on bail, on her 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 not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number as well as Aadhar Card of the applicant

and sureties should also be conducted by the court concerned.

11. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **Deoria Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

14. Application, if any, stands disposed of.

October 29, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)

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