HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36543 of 2026

Naina @ Ramshankar And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ram Ashish Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicants and Sri N.K. Sharma,, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 51 of 2026, under Sections 85, 108 B.N.S., Police Station Badhpura, District Etawah during the pendency of the trial.

3. Learned counsel for the applicants submits that the applicants are the brothers-in-law (Devar) of the deceased and have been falsely implicated in the present case. The incident is alleged to have occurred on 18.06.2026, whereas the first information report was lodged on 23.06.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. According to the postmortem report, the cause of death is asphyxia due to ante mortem hanging. Further, as per the allegations in the first information report, the statement of the sister of the deceased namely Sangeeta 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. Mere allegations of hurling abuses, assault or harassment in absence of any positive act of instigation, intentional aid, or proximate conduct

compelling the deceased to commit suicide, would not by themselves, constitute the offence of abetment to suicide. In support of his submission, learned counsel for the applicants 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**. Investigation has been completed and the charge-sheet has been submitted. The criminal history of the applicants has been explained in para 2 of the supplementary affidavit. The applicants are in jail since 21.07.2026 and if they are released on bail, they 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 the first information report has been lodged belatedly. As per the allegations in the first information report, the statement of the sister of the deceased namely Sangeeta 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 proximate or direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicants have remained confined for more than 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 applicants, 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 applicants are entitled to be enlarged on bail.

6. Let the applicants- Naina @ Ramshankar and Satya Prakash @ Sattu, involved in the aforesaid case, be released on bail on their furnishing a personal bond and two sureties each in the like

amount to the satisfaction of Court concerned subject to the conditions that they:

(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.

October 28, 2026
S.S.

(Vivek Varma,J.)

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