2026:AHC:226765

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38816 of 2026

Anju

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pranshu Dwivedi, Ram Prakash Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri K. K. Dwivdei, Advocate holding brief of Sri Pranshu Dwivedi, learned counsel for the applicant, Sri N. K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 291 of 2026, under Section 108 B.N.S., Police Station- Shahganj, District- Agra, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant is the wife of the deceased has been falsely implicated in the present case. The incident is alleged to have occurred on 19.06.2026, whereas the first information report was lodged on 22.06.2026. The delay in lodging the first information report is fatal to the prosecution case. According to the postmortem report, cause of death is asphyxia as a result of ante mortem hanging. No video recording, as alleged in the first information report, has been collected by the Investigating Officer. Further, as per the first information report, the Instagram story uploaded by 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. Mere allegations of demand of money, quarrel or harassment, in the absence of any positive act of instigation, intentional aid on the part of the applicant, would not, by themselves, constitute the offence of abetment to suicide. In support of his submission, counsel for the applicant has placed reliance on the judgement 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 others (Criminal Appeal Nos.2177-2185 of 2024)** decided on 18.08.2025. The applicant is in jail since 07.08.2026 having no criminal history and in case, she is enlarged on bail, she will not misuse the said liberty.

4. Learned AGA 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 as per the allegations in the first information report, the Instagram story uploaded by the deceased, and the material collected during 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. Further the applicant is a lady, having no criminal antecedents and has presently remained confined for more than two and half months and after submission of 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, **Anju**, 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.

November 2, 2026
Abhishek

(Vivek Varma, J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad