HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37486 of 2026

Jogendra Pal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rajesh Kumar Dubey, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in case crime no. 187 of 2025, under sections 85, 80 (2) of BNS and section 3/4 of Dowry Prohibition Act, police station- Dramandganj, District- Mirzapur, during the pendency of the trial.

3. This is a second bail application.

4. First bail application no.14912 of 2026 was rejected by this court on 24.07.2026.

5. Contention of learned counsel for the applicant is that applicant is the husband of the deceased who committed suicide by hanging. It is further submitted that father, mother, sister-in-law, cousin and real brother supported the prosecution story during the investigation. However, during trial they were examined as PW-1, PW-2, PW-3, PW-4 and PW-5 but they did not support the prosecution story and they were also declared hostile by the trial court. It is further submitted that as on date there is no material against the applicant. It is further submitted that the applicant has no criminal history and the trial is going on, therefore, there is no requirement of custodial interrogation. Therefore, applicant is entitled to be released on bail. The applicant is languishing in jail since 08.01.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

7. Considering the aforesaid submission and taking into account the statements of PW-1 to PW-5 recorded during the trial wherein they did not support the prosecution story as well as taking into account the order of the Apex Court in the case of **Mahesh Chandra Joshi Vs. State of Rajasthan** reported in **2026 SCC OnLine SC 2197** wherein the Apex Court observed that prolonged pre-trial detention cannot be permitted to degenerate into the punishment and keeping in view the nature of offence, evidence, complicity of the 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**.

8. Let the applicant- **Jogendra Pal,** involved in the aforementioned crime be released on bail, on his 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 him 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.

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

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

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded 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.

13. It is further 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.

14. Office is directed to send a copy of this order to the applicant through **Mirzapur Jail Superintendent** via e-mail or on 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 **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.**

October 28, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)

Digitally signed by :-
SHUBHAM CHAURASIA
High Court of Judicature at Allahabad