HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37457 of 2026

Brij Kumari Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ram Pravesh Yadav, Shashank Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shashank Kumar, learned counsel for the applicant, Sri DPS Chauhan, 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 2026, under Sections 85, 80(2), 238, 3(5) of the B.N.S., and Section 4 of Dowry Prohibition Act, 1961, Police Station Kotwali, District Ballia, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant is mother-in-law of the deceased, who died under unnatural circumstances. It is further submitted that as per prosecution story, there was allegation against the husband of deceased, Chunni Lal, that he was having illicit relationship with co-accused Sobha Chaurasia. Subsequently, the deceased left her in-law's house and was residing at his parental home with her parents. However, when mother-in-law of the deceased became ill and was hospitalised then, on request of her husband, the deceased came to hospital to take care of her mother-in-law. Subsequently, mother-in-law was discharged from hospital on 22.05.2026 and information was received by the parents of the deceased that the deceased was missing. Subsequently, the de-composed body of deceased was recovered on 24.05.2026. During investigation, on the basis of CCTV footage, it was found that the deceased was going along with co-accused Shobha Chaurasia and she remained in his company on 09.22 a.m. to 09.59 a.m.

on 22.05.2026. Therefore, there is allegation against the husband as well as co-accused Shobha Chaurasia, the applicant has been falsely implicated being mother-in-law of the deceased without any material. It is further submitted that the body was de-composed, therefore cause of death remains uncertain.

4. It is further submitted that co-accused Muttur Prajapati @ Mutur Prajapati , who is the father-in-law of the deceased, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 35002 of 2026 vide order dated 30.09.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. 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 02.08.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

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

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the CCTV footage showing the deceased was lastly seen in the company of Shobha Chaurasia; coupled with the fact that specific allegation has been made against the husband of the deceased as well as co-accused Shobha Chaurasia and keeping in view the nature of offence, evidence, complicity of accused (mother-in-law) as well as similarly situated co-accused has been enlarged on bail 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-**Brij Kumari 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 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 her.

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

11. 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.

12. 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.

13. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Mau** 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.**

14. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

October 28, 2026
SA

Digitally signed by :-
SALMAN ALI
High Court of Judicature at Allahabad