HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37875 of 2026

Chhotibai And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Tarun Jha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Tarun Jha, learned counsel for the applicants, Sri Bhupendra Pal Singh, 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 applicants on bail in Case Crime No. 97 of 2026, under Sections 80(2), 85, 115(2) of B.N.S., and Section 3/4 D.P. Act, Police Station- Kotwali Konch, District- Jalaun, during the pendency of the trial.

3. The contention of learned counsel for the applicants is that applicant no. 1 is the mother-in-law of the deceased, while applicant no. 2 is the father-in-law of the deceased, who died due to throttling and smothering, having 18 ante-mortem injuries over her body, as noted in the post-mortem examination report. It is further submitted that the real sister of the deceased, who was also married to the younger brother of the deceased's husband, as well as several independent witnesses, clearly stated that after the family partition, the present applicants were residing separately from the deceased and her husband, and the husband of the deceased was addicted to alcohol and used to beat the deceased and also demanded two lakhs and one motorcycle as dowry. He used to harass the deceased; therefore, unfortunate incident happened, between the deceased and her husband, as they were living separately from the present applicants. It is further submitted that the applicants have been falsely implicated in the present case merely for being the mother-in-law and father-in-law of the deceased.

4. It is further submitted that the applicants have no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicants are law-abiding citizens, and they have been languishing in jail since 08.06.2026. In case they are granted bail, they 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, the submissions of learned counsel for the parties, and the statement of the deceased's younger sister as well as the independent witnesses showing that the present applicants have been residing separately from the deceased and her husband after the family partition, and considering the fact that there are general allegations against the present applicants, and keeping in view the nature of the offence, evidence, and complicity of the accused, and taking into account overcrowded jails and the heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment 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 the guideline of this Court in the case of **Maya Tiwari vs. State of U.P., 2024 SCC OnLine All 6765**, regarding the grant of bail, and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicants- **Chhotibai and Neksai,** involved in the aforementioned crime be released on bail, on their furnishing personal bonds and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicants 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 applicants shall cooperate in the trial/investigation sincerely

without seeking any adjournment.

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

iv. The applicants shall attend in accordance with the conditions of the bond executed by them.

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 applicants and sureties be verified by the court concerned before the bonds are accepted.

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

11. It is made clear that the applicants 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 applicants.

13. Office is directed to send a copy of this order to the applicants through **Jail Superintendent, Jalaun at Orai** 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 24, 2026
SA

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