2026:AHC:226692

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38041 of 2026

Pooja Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Narendra Singh, Surendra Mohan Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vishveshwar Mani Tripathi, learned Advocate holding brief of Sri Surendra Mohan Mishra, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 106 of 2026, under Sections 103(1) BNS, Police Station Dumariyaganj, District Siddharth Nagar during pendency of the trial.

3. Learned counsel for the applicant submits, however, as per allegation, applicant is the wife of the deceased and she developed extra marital affairs with co-accused Firoz and she along with him committed the murder of her husband by ablazing him but entire allegations leveled against applicant are totally false.

4. He further submits, actually deceased accidentally died and as he died in his house, therefore, father of the deceased i.e. father-in-law of the applicant lodged FIR against her.

5. He further submits, however, there is also dying declaration of the deceased in which also he stated against applicant but this alleged dying declaration of the deceased was recorded by the police officer and there is no dying declaration of the deceased recorded by any Magistrate and therefore, the alleged dying declaration of the deceased also prima facie appears to be doubtful.

6. He further submits, applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 23.05.2026.

7. Per contra, learned AGA opposed the prayer for bail and submits, applicant is wife of the deceased and she developed illicit relationship with co-accused Firoz and due to this reason on the date of incident she along with co-accused tied the deceased on the cot and thereafter burnt him and therefore allegations against applicant are very serious.

8. Learned AGA further submits, even there is dying declaration of the deceased though recorded by the police officer and in this statement also deceased reiterated the version of the FIR which was lodged by his father. He further submits, considering the dying declaration of the deceased prima facie it cannot be said that applicant is innocent. He further submits, even in the present matter applicant is in jail only for last five months.

9. Learned AGA further submits, therefore, considering the facts of the case, the instant bail application may be dismissed.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Applicant is wife of the deceased and as per prosecution she developed extra marital affair with co-accused Firoz and she along with him on 21.05.2026 tied the deceased on the cot and thereafter burnt him, therefore, allegations leveled against applicant are very serious.

12. Further, even there is also a dying declaration of the deceased though recorded by the police officer and in this statement deceased categorically stated that applicant along with co-accused Firoz burnt him. Further, however, there is no dying declaration of the deceased recorded by the Magistrate but only on this ground his statement recorded by the Investigating Officer cannot be said to be doubtful.

13. In considered view of this Court, considering the alleged dying declaration of the deceased recorded by Investigating Officer prima facie applicant does not appear to be innocent.

14. Further, even in the present matter applicant is in jail only since 23.05.2026.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

November 2, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad