**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 38573 of 2026**

Mohd Kamil

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Syed Abbas Shaukat Abidi, Syed Ahmed Faizan, Syed Ali Shaukat (Abidi) |
| Counsel for Opposite Party(s) | : | Kanhaiya Mishra, G.A., Sandeep Tripathi |

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**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State and Sri Kanhaiya Mishra, counsel for the informant. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 320 of 2026, under Sections 85 and 108 B.N.S., Police Station- Nai Mandi, District- Muzaffarnagar during pendency of the trial.

3. Counsel for the applicant submits that the applicant is the father-in-law of the deceased and has been falsely implicated in the present case. Initially, the first information report was lodged under Sections 85, 109(1) B.N.S. and 3/4 D.P. Act. During the course of investigation, Section 109(1) B.N.S. and 3/4 D.P. Act were deleted and Section 108 B.N.S. was added. The deceased was initially admitted at S.K.D. Government Hospital and thereafter at Safdarganj Hospital, New Delhi. She died on 20.7.2026. As per the postmortem report, cause of death is *'due to sepsis consequent upon antemortem thermal burn involving about 70 percent of total body surface area'*. Further, as per the allegations contained in the first information report, the alleged dying declaration of the deceased and the statements of the witnesses namely, Mohd. Maroof, Mangta and material collected during the course of the investigation, the essential ingredients to constitute the offence

under Section 108 B.N.S., are not made out against the applicant. Mere allegations of harassment, quarrels or cruelty in absence of any positive act of instigation, intentional aid, or proximate conduct compelling the deceased to commit suicide, 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 judgements 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 other (Criminal Appeal Nos. 2177-2185 of 2024)** decided on **18.8.2025**. The applicant is in jail since 22.7.2026 having no criminal history. Investigation has been completed and charge-sheet has been filed. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State and counsel for the informant have 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 contained in the first information report, the alleged dying declaration of the deceased and the statements of the witnesses namely, Mohd. Maroof, Mangta and material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S., are not made out against the applicant. There is no proximate or direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. The applicant has no criminal antecedents. The applicant has presently remained confined for more than three months and 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, **Mohd. Kamil** involved in the aforesaid case be released on bail on his 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.

**(Vivek Varma,J.)**

**October 29, 2026**
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad