HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37860 of 2026

Anil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Satyendra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N.K. Sharma, learned A.G.A. for the State. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 80 of 2026, under Section 108 B.N.S., Police Station- Binauli, District- Baghpat during pendency of the trial.

3. Counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. Initially, the first information report was lodged under Section 103(1) B.N.S. During the course of investigation the case was converted under Section 108 B.N.S. Further, as per the postmortem report, cause of death is asphyxia due to antemortem hanging. As per the allegations in the first information report, statement of the sons of deceased namely, Mudit, Shifa and the 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 quarreling, hurling abuses, assault or harassment, in absence of any positive act of instigation, intentional aid, 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 27.3.2026 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 the as per the postmortem report, cause of death is asphyxia due to antemortem hanging. As per the allegations in the first information report, statement of the sons of deceased namely, Mudit, Shifa and the 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 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 seven 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, Anil Kumar 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.

October 28, 2026
S.S.

(Vivek Varma,J.)

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