HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11333 of 2026

Smt. Varsha Raja

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Himanshu Gupta, Yanendra Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicant in Case Crime No. 548 of 2026, under Section 108 BNS, Police Station Talbehat, District Lalitpur with a prayer to grant her anticipatory bail.

3. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. The first information report was lodged after 58 days. No plausible explanation has been offered by the first informant in respect of delay in filing the first information report. There is no allegation or direct or indirect evidence against the applicant that the deceased was instigated or abetted to commit suicide by the applicant. The first information report was lodged due to ulterior motive. The alleged incident is said to have taken place on 3.11.2025, whereas the first information report was lodged on 31.12.2025. The delay in lodging the first information report has not been satisfactorily explained by the prosecution. As per the allegations contained in the first information report, a video was made viral by the deceased and the applicant and her husband Kallu Raja humiliated and harassed the deceased. It is further submitted that the co-accused Kallu Raja @ Bhanu Pratap (husband of the applicant) has been enlarged on regular bail by a coordinate Bench of this

Court vide order dated 5.10.2026 in Criminal Misc. Bail Application No. 33573 of 2026. The applicant is a lady and she has no criminal antecedent to her credit.

4. It is further submitted by learned counsel for the applicant that the arrest of the applicant would cause an irreparable hardship to the family. The deceased was under mental stress and he committed suicide under depression without any provocation or instigation by the applicant. The essential ingredients of abetment as required under law are completely missing in the present case. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, she shall not misuse the liberty of bail and shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

6. I have heard the rival submissions of both sides and perused the record.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The

occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

9. By a long line of judgments, the Hon'ble Supreme Court has reiterated that in order to make out an offence under Section 306 IPC / 108 BNS, specific abetment as contemplated by Section 107 IPC / 45 BNS on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC / 108 BNS **[See Madan Mohan Singh vs. State of Gujarat and Another (2010) 8 SCC 628]**. Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to his / her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide **[See Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707 and M. Mohan vs. State (2011) 3 SCC 626 and Ramesh Kumar vs. State of Chhattisgarh (2001) 9 SCC 618]**.

10. These principles have been reiterated recently by Hon'ble Supreme Court in **Mahendra Awase vs. The State of Madhya Pradesh, 2025 INSC 76**.

11. The case of the applicant is squarely covered by the aforesaid judgments.

12. Considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation,

role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

13. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant-**Smt. Varsha Raja** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned or to the court concerned;

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) 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 her from disclosing such facts to the Court or to any police officer; and

(iv) The applicant shall not leave India without the previous permission of the Court.

14. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

October 29, 2026
Lalit Shukla

Digitally signed by :-
LALIT KUMAR SHUKLA
High Court of Judicature at Allahabad