2026:AHC:226943

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38773 of 2026

Subhash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravi Shankar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 333 of 2026, under Sections 80(2), 85, 115(2), 352 B.N.S. and 3/4 D.P. Act, Police Station- Bisauli, District-Budaun, during the 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. The incident had occurred on 21.08.2026. On the same day, the father of the deceased submitted an application to the police. The said application does not contain any allegation against the applicant. After the inquest and postmortem proceedings, the present FIR was lodged on 23.8.2026. The delay in lodging the first information report is fatal to the prosecution case. The first information report was lodged against five named accused persons including the applicant. The deceased was married to the son of the applicant on 19.11.2020. As per the postmortem report, a single ligature mark was found on the neck of the deceased. In the opinion of the doctor, cause of death is asphyxia, as a result of antemortem hanging. Vague and general allegations have been levelled against the applicant. It is next contended that the applicant neither demanded any dowry from the family members of the deceased nor subjected the deceased to cruelty in connection with any such demand. The applicant has no concern with the alleged incident. The husband of the deceased is already languishing in jail. The applicant is in jail since 28.08.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA for the State has 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 first information report has been lodged belatedly. The application submitted by the father of the deceased on the date of the incident, does not contain any allegation against the applicant. As per the post-mortem report, cause of death is asphyxia, as a result of antemortem hanging. Vague and general allegations have been levelled against the applicant. Moreover, the applicant has no criminal antecedents and has remained confined for more than two 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Subhash**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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.

November 2, 2026

Manish Kr

(Vivek Varma,J.)

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