HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38384 of 2026

Suphiya Begum

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajeet Shukla, Bhola Nath Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.97 of 2026, under Sections 108, 127(2), 3(5) B.N.S., Police Station- Bakewar, District- Fatehpur, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 04.08.2026, whereas the first information report was lodged 05.08.2026, under Sections 103(1) and 3(5) B.N.S. During the course of investigation, section 103(1) B.N.S. was deleted and Sections 108 and 127(2) B.N.S. were added. As per the post mortem report, the cause of death is *asphyxia as a result of ante mortem hanging*. Further, as per the allegations in the first information report and the material collected during the course of investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. Mere allegations of assault or harassment, in the absence of any positive act of instigation, intentional aid, on the part of the applicant, would not, by themselves, constitute the offence of abetment of suicide. In support of his submission, counsel for the applicant has placed reliance on the judgement 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 others (Criminal Appeal Nos.2177-2185 of 2024)** decided on 18.08.2025. Criminal history of

the applicant has been explained in paragraph no.6 of the affidavit filed in support of the bail application. The applicant is in jail since 10.08.2026 and in case, she is enlarged on bail, she will not misuse the said liberty.

4. Learned Brief Holder 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 as per the allegations in the first information report and the material collected during investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. There is no direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Further the applicant is a lady and has presently 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 the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

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

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

(ii) shall not tamper with the prosecution evidence; and,

(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.

October 28, 2026
Abhishek

(Vivek Varma,J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad