2026:AHC:227202

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38767 of 2026

Arti Alias Munni

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mainuddin Ahamad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri Shashank Shekhar Pandey, 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 Session Trial No.1150 of 2026, arising out of Case Crime No. 106 of 2026, under Sections 80(2), 85 B.N.S. and 3/4 D.P. Act, Police Station- Kolhui, District- Maharajganj, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant is the mother-in-law of the deceased and has been falsely implicated in the present case. The incident is alleged to have occurred on 15.7.2026, whereas the first information report was lodged on 20.7.2026. The delay in lodging the first information report is fatal to the prosecution case. First information report was lodged against five named accused persons including the applicant. The deceased was married to the son of the applicant on 07.05.2025. As per the postmortem report, except a ligature mark on the neck region, no other injury was found on the body 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 22.07.2026 having no criminal antecedents and in case, she is enlarged on bail, she 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. 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 is a lady having no criminal antecedents and has remained confined for more than four months and after submission of the charge sheet 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 **Arti Alias Munni**, 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 she:

(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