2026:AHC:227232

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38780 of 2026

Pradeep Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dharmendra Kumar, Triloki Nath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Rahul Kumar Pandey, Advocate, has filed his Vakalatnama on behalf of the informant. The same is taken on record.

2. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Rahul Kumar Pandey, learned counsel for the informant.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 411 of 2026, under Section 108 B.N.S., Police Station Ramkola, District Kushinagar during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. The incident is alleged to have occurred on 03.08.2026, whereas the first information report was lodged on 09.08.2026 under Sections 85, 80(2) B.N.S. and 3, 4 Dowry Prohibition Act. The delay in lodging the first information report is fatal to the prosecution case. During the course of investigation, the aforesaid sections were deleted and the case was converted under Section 108 B.N.S. According to the postmortem report, the cause of death could not be ascertained, hence viscera was preserved and sent for forensic examination. Viscera report is not part of the case diary. 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. The applicant, in no

manner, abetted the commission of suicide by the deceased. Mere allegations of assault, harassment, hurling abuses and alleged utterance of words 'go and die' in absence of any positive act of instigation or intentional aid compelling the deceased to commit suicide, would not, by themselves, constitute the offence of abetment to suicide. In support of his submission, learned counsel for the applicant has placed reliance on the judgement of the Apex Court in the cases of **Nipun Aneja and others v. State of Uttar Pradesh, Criminal Appeal No. 654 of 2017,** decided on 03.10.2024, and **Abhinav Mohan Delkar v. The State of Maharashtra and others, Criminal Appeal Nos. 2177-2185 of 2024,** decided on 18.08.2025. Investigation has been completed and the charge-sheet has been submitted. The applicant has no criminal antecedents. The applicant is in jail since 03.08.2026 and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. 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. Viscera report is not part of the case diary. There is no direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant has remained confined for almost three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Pradeep Kumar, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

November 2, 2026
SKT/-

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad