2026:AHC:226855

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38876 of 2026

Shyamwati @ Somwati

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Bharat Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

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

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 224 of 2026, under Sections 85, 80(2), 115(2) B.N.S., and Section 3/4 D. P. Act, Police Station- Junawai, District-Sambhal, during pendency of the trial.

3. Counsel for the applicant contends 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 16.08.2026, whereas the first information report was lodged on 18.08.2026. The delay in lodging the first information report is fatal to the prosecution case. As per the post mortem report, a single ligature mark was found on the neck region of the deceased. In the opinion of the doctor, cause of death is asphyxia due to antemortem hanging. Vague and general allegations have been levelled against the applicant. The husband of the deceased, is already languishing in jail. It is contended that the applicant neither demanded any dowry from the family members of the deceased nor subjected her to any cruelty in connection with any such demand. The applicant is in jail since 21.09.2026 having no criminal history and in case she is enlarged on bail, she will not misuse the said liberty.

4. Learned A.G.A. 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 vague and general allegations have been levelled

against the applicant. Moreover, the applicant is a lady and has no criminal history and has remained confined for more than a month 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 ***Shyamwati alias Somwati***, 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 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; 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.

November 2, 2026
Abhishek

(Vivek Varma,J.)

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