2026:AHC:226826

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38875 of 2026

Anuj Srivas

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ved Prakash Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri N. K. 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. 92 of 2026, under Section 108 B.N.S., Police Station- Gujaini, District- Kanpur Nagar, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant is the brother-in-law (*devar*) of the deceased and has been falsely implicated in the present case. Initially the first information report was under Sections 103(1) and 61(2) B.N.S. According to the supplementary medical report, the cause of death is *asphyxia due to antemortem hanging*. Further, as per the allegations in the first information report, the statement of Nanki Devi 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 mere allegation of an altercation between the co-accused Rani and the deceased, in the absence of any positive act of instigation, intentional aid, on the part of the applicant, would not by itself 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. The applicant is in jail since 22.09.2026 having no criminal history 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. As per the allegations in the first information report, Statement of witness, namely, Nanki Devi 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. Moreover, the applicant has no criminal antecedents 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 **Anuj Srivas**, 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