



2026:AHC:169374

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26607 of 2026

Mukul

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Brijesh Kumar Mishra

Counsel for Opposite Party(s) : Anand Pratap Singh, G.A., Manish Kumar

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Brijesh Kumar Mishra, learned counsel for the applicant and Sri Anand Pratap Singh along with Sri Manish Kumar, learned counsel for the first informant and Sri Basant Kumar, learned AGA for the State.

2. . Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 44 of 2026, under Sections 80, 85, 115(2), 352, 351(3) 238 of BNS read with Section 3/4 Dowry Prohibition Act , Police Station- Mandi Dhanaura, District Amroha.

3. In pursuant of the order dated 31.07.2026 both of the I.Os. of this case namely Sub-Inspector Rajendra Kumar as well as Ms. Anjali Katariya, Deputy Superintendent of Police, Amroha are present before this Court. They handed over a pen drive of audio-video recording regarding the second statement of first informant as well as other witnesses. The pen drive was played on monitor of this Court. It was found that the statement recorded in the case diary is different from statement in the audio-video of first informant as well as brother of deceased. It has also been informed by the I.O., Rajendra Kumar, Sub-Inspector, that the first statements of first informant and other witnesses recorded under Section 180 BNSS had not been recorded through audio-video.

4. This Court is a view that such tendency of recording the statement on his own is absolutely incorrect and for the transparency the statement

recorded under Section 180 BNSS also be recorded through audio-video preferably through e-sakhshya App as per circular issued by the DGP, U.P. to all the District Police Chiefs. However, this Court expects that in future no such negligence would be repeated.

5. Learned counsel for the applicant has submitted that applicant is the husband of the deceased, who died due to post delivery complications in Medical College, Meerut in presence of her parents and the FIR was also lodged after the delay of more than four months. It is further submitted from the perusal of the FIR as well as statement of the first informant as well as his wife, it is clear that they admitted this fact that the deceased died because of post delivery complications as a child was born to deceased after surgery and the allegation is when the family members of the first informant came to the home of the applicant to take back the gift given at the time of marriage of the deceased, it was not returned back. Therefore, there was no issue of demand of dowry or harassment thereof. It is further submitted that the statement of the first informant as well as his wife shows that it was nothing but reiteration of the FIR and the I.O. himself had written the statement of first informant as well as his wife. Therefore, the applicant is entitled to be released on bail. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 14.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and upon perusal of record, it is clear that deceased died after post delivery complications coupled with fact of the negligence on the part of the doctor, therefore cause of death does not appear to be unnatural and to attract the presumption under Section 118 B.S.A. where unnatural death is the basic requirement and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases

before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

8. Let the applicant- **Mukul** involved in the aforementioned crime 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, with the following conditions:-

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

12. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court

Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. Office is directed to send a copy of this order to the applicant through **Amroha Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

15. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

August 12, 2026

Neetu