



2026:AHC:162841

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26916 of 2026

Sagar

.....Applicant(s)

Versus

State Of U.P., Through Its Home Secretary U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Atul Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Vakalatnama filed by Sri Sudhir Kumar Agarwal, Advocate on behalf of the first informant in the Court today is taken on record.
2. Heard Sri Atul Kumar, learned counsel for the applicant, Sri Sudhir Kumar Agarwal, learned counsel for the first informant, Sri DPS Chauhan, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 616 of 2025, under Sections 85, 115(2), 351(3), 3(5), 123, 80(2), 92 B.N.S. and Section 3/4 the Dowry Prohibition Act, 1961, Police Station Nai Mandi, District Muzaffar Nagar, during the pendency of the trial.
4. Contention of learned counsel for the applicant is that though in the F.I.R. allegation has been made that the applicant has harassed the deceased prior to her death, but this fact is admitted in the F.I.R. as well as in the statement of the first informant (mother of the deceased) recorded under Section 180 BNSS that the deceased, on falling ill on 29.09.2025, called the applicant and thereafter they brought her to the hospital where she was diagnosed with dengue and continuous bleeding. Thereafter, they also shifted her to a higher centre where the deceased died on 02.10.2025. As per the medical treatment report of the patient issued by Lokpriya Hospital, Meerut, it is clear that the deceased died due to Dengue Shock Syndrome and the patient went into cardiopulmonary arrest at 4:15 p.m., though subsequently in the viscera report, it was found

that she had also consumed poisonous substance. On 29.09.2025, the deceased was at her parental house, and from the statement of the mother of the deceased, it is clear that there was a dispute between the applicant and the deceased over the alleged illicit relation of the applicant with another woman, but there is no material to show that the deceased was subjected to cruelty because of any demand of dowry. The deceased was initially treated for dengue in the hospital, and if she had consumed poisonous substance at her parental house, the same does not relate to any demand of dowry. The applicant has been falsely implicated in the present case merely because he is the husband of the deceased. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 06.04.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the 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., 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**.

7. Let the applicant- **Sagar**, 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.

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

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

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded 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.

12. It is further 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.

13. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Muzaffar Nagar** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order 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 **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**.

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

(Arun Kumar Singh Deshwal,J.)

August 4, 2026
SA