



2026:AHC:167630

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26978 of 2026

Kalyan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhilasha Singh, Ashutosh Yadav, S. Lal
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of C.D. No. 10 dated 22.6.2026, produced by Sri V.P. Tripathi, learned AGA for the State, is taken on record.
2. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State. Perused the record.
3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 120 of 2026, under Section 108 B.N.S., Police Station- Gunnaur, District- Sambhal during pendency of the trial.
4. Counsel for the applicant submits that the applicant was not named in the first information and has been falsely implicated in the present case. Initially, the first information report was lodged under Sections 331(4), 123, 109(1) B.N.S. During the course of investigation, the aforesaid sections were deleted and the case was converted under Section 108 B.N.S. The name of the applicant was disclosed by the witness namely, Hariom. It is contended that as per the allegations in the first information, the alleged video recording and the material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S., are not made out against the applicant. Merely because the applicant had a lengthy telephonic conversation with the deceased shortly before her death, in absence of any positive act of instigation, intentional aid, or proximate conduct compelling the deceased to commit suicide, do not constitute the offence of abetment to suicide. In support of his submission, counsel for the

applicant has placed reliance on the judgements 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 other (Criminal Appeal Nos. 2177-2185 of 2024)** decided on **18.8.2025**. The applicant is in jail since 25.5.2026 having no criminal history. Investigation has been completed and charge-sheet has been filed. In case he is enlarged on bail, he will not misuse the said liberty.

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

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information. The name of the applicant was disclosed by the witness namely, Hariom. As per the allegations in the first information, the alleged video recording and the material collected during the course of the investigation, the essential ingredients to constitute the offence under Section 108 B.N.S., are not made out against the applicant. There is no proximate or direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. The applicant has no criminal antecedents. The applicant has presently remained confined for more than two 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 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.

7. Let the applicant, **Kalyan** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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.)

August 11, 2026

S.S.