



2026:AHC:168884

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27244 of 2026

Preveen Patel @ Babu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Tripathi, Ran Vijay Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Yagyavalk Pandey, learned Brief Holder for the State. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 100 of 2026, under Section 108 B.N.S., Police Station- Sindhaura, District- Varanasi during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 14.5.2026, whereas the first information report was lodged on 1.6.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. As per the postmortem report, *cause of death could not be ascertained. Viscera and blood vial preserved and sent for chemical analysis*. The victim in her dying declaration has not named the applicant. Neither any obscene video nor any obscene photograph has been collected by the investigating officer. Further, as per the allegations in the first information report 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. Mere allegations of blackmailing and abuse, 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 2.6.2026 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.

4. Learned AGA for the State 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 postmortem report, *cause of death could not be ascertained. Viscera and blood vial preserved and sent for chemical analysis*. The victim in her dying declaration has not named the applicant. Neither any obscene video nor any obscene photograph has been collected by the investigating officer. Further, as per the allegations in the first information report 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 months 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.

6. Let the applicant, **Praveen Patel @ Babu** 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.

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.

(Vivek Varma,J.)

August 12, 2026

S.S.