



2026:AHC:125744

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18645 of 2026

Bindu Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Akshay Kumar Shukla, Saurabh Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Akshay Kumar Shukla, learned counsel for the applicant, Sri Amit Kumar Dubey, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 99 of 2025 under Sections 103(1), 115(2), 352 BNS, Police Station Dhanapur, District Chandauli during the pendency of the trial.
3. Learned counsel for the applicant has submitted that FIR has been lodged through an application under section 173 (4) BNSS and it is alleged in the FIR that applicant has committed murder of sister of the first informant who is wife of the applicant by strangulation. However, postmortem report of the deceased shows that cause of her death could not be ascertained and viscera was preserved for chemical analysis and as per the viscera report, aluminum phosphide has been found in her body. It is further submitted that marriage of the applicant with the deceased took place some twenty years ago and the deceased committed suicide on account of some minor domestic issues. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant has been languishing in jail since 28.7.2025 and in case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submits that cause of death of the deceased could not be ascertained and viscera was preserved for chemical analysis and as per the viscera report,

aluminum phosphide has been found in her body. He further submits that applicant used to torture and harass the deceased which fact has come out in the statements of his children.

5. As per FIR, marriage of the applicant with the deceased took place twenty years ago and it is alleged that applicant used to torture and harass her and she was strangled to death by the applicant and other accused persons. However, as per the postmortem report, there is no evidence of strangulation and cause of her death could not be ascertained and viscera was preserved and as per the viscera report, aluminum phosphide has been found in the body of the deceased. During investigation, it has surfaced that applicant and the deceased indulged in domestic quarrels frequently. Chargesheet has been filed in the present case and the applicant has been languishing in jail since 28.7.2025.

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.*** 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.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant **Bindu Yadav** 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. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal 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.

June 5, 2026
Madhurima

(Jitendra Kumar Sinha,J.)