



2026:AHC:180809

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30220 of
2026

Smt. Kunta Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	A.Z. Khan
Counsel for Opposite Party(s)	:	Atmaram Nadiwal, G.A., Shipra Nadiwal

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Shashank Shekhar Pandey, learned A.G.A. for the State-opposite party, and Sri Atmaram Nadiwal, learned counsel for the informant.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 226 of 2026, under Sections 115(2), 352, 351(2), 105 B.N.S., Police Station Sarsawa, District Saharanpur during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 10.07.2026 at 18:00 hrs., whereas the first information report was lodged on 11.07.2026 at 16:01 hrs. The delay in lodging the first information report is fatal to the prosecution case. As per the allegations contained in the first information report, the applicant and co-accused Mahendra and Mohit Singh are alleged to have assaulted the father of the informant by lathi and danda (sticks). The informant's father was initially examined on 10.07.2026 at 08:25 p.m. at P.G.I., Pilkhani, Sarsawan, Saharanpur. The attending doctor, namely, Dr. Vikram Singh in his statement under Section 180 B.N.S.S. stated that no physical injury was seen on the body of the injured. He advised USG whole abdomen and other tests. The informant's father subsequently died on 11.07.2026. The postmortem was

conducted on 12.07.2026. As per the postmortem report, large intestine was ruptured. In the opinion of the doctor, the injured died due to septic shock as a result of ante mortem injury. The doctor namely, Dr. Evesh Singh, who conducted the postmortem, in his statement recorded under Section 180 B.N.S.S. also stated that no external injury was seen. It is contended that the medical evidence does not support the prosecution case. The death of the informant's father cannot be attributed to the alleged incident. At this stage, there is no corroborative evidence to link the applicant with the offence. Co-accused Mohit Singh has been granted bail by this Court vide order dated 20.08.2026 passed in Criminal Misc. Bail Application No. 29387 of 2026, Mohit Singh v. State of U.P. The applicant is in jail since 13.07.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

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

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the medical evidence does not support the prosecution case. At this stage, there is no corroborative evidence to link the applicant with the offence. Co-accused Mohit Singh has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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 delay the trial or intimidate the witness, therefore, 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- Smt. Kunta Devi, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that she:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

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.

August 31, 2026
SKT/-

(Vivek Varma,J.)