



2026:AHC:180368

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 30305 of 2026**

Vinod

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

---

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| Counsel for Applicant(s)      | : | Kiran Tiwari, Mahesh Chandra Tiwari |
| Counsel for Opposite Party(s) | : | G.A.                                |

---

**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Heard counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party. Perused the material available on record.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 340 of 2025, under Section 108 B.N.S., Police Station- Hariparwat, District- Agra, during the 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 21.9.2025, whereas the first information report was lodged on 23.9.2025. The delay in lodging the first information report is fatal to the prosecution case. As per the allegations in the first information report, the deceased was residing in a live-in relationship with the brother of the applicant. The applicant and other co-accused persons used to harass and mentally torture the deceased on a regular basis. They had assaulted the deceased, taken her money and jewellery and whenever she demanded the same back, the applicant and other accused used to continuously harass and torture her. Being fed up with the persistent harassment and mental cruelty inflicted by the applicant and other co-accused, she committed suicide. Further, in the alleged video recording the deceased only stated that she is consuming poison on her own. The applicant and others are not responsible for her death. As per the postmortem report, cause of death could not be ascertained. Viscera was preserved and sent for chemical and toxicological examination. Viscera report is not part of the case diary. It is contended that as per the allegations in the first information report, the alleged video recording and the

material collected during the course of investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant, in no manner, abetted the commission of suicide by the deceased. The prosecution case, as it stands, does not disclose the mens rea or proximate act required to attract the said provision. In support of his submission, counsel for the applicant has placed reliance on the judgement 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 others (Criminal Appeal Nos.2177-2185 of 2024)** decided on 18.08.2025. The applicant is in jail since 20.07.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has 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 there is delay in lodging the first information report. As per the allegations in the first information report, the alleged video recording and the material collected during the course of investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. 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. Moreover, the applicant has no criminal antecedents. He has 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Vinod, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(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.)**