



2026:AHC-LKO:42319

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4755 of 2026

Kundan Lal

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Narendra Singh, Anurag Dwivedi,
Sarfraz Ahmad

Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, the learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Case Crime No.0418 of 2025, under Section 85, 80(2) BNS (498A, 304B, IPC and 3/4 Dowry Prohibition Act, P.S. Mitauli, District Lakhimpur Khiri.

It is contended by learned counsel for the applicant that the applicant is innocent and he has been falsely implicated in the present case. He submitted that the applicant is father-in-law being 60 years of age and he is not involved in the present case. He added that the applicant informed the informant and the family members of the deceased regarding the natural death of the daughter, and the informant and his family members were present at the funeral of the deceased but after five days, the FIR has been lodged which might have been registered at the instance of some other person since the death was natural, therefore, with the consent of the parties, the cremation was done and no post mortem report was suggested. He next submitted that the applicant is being harassed for his no fault and added that the applicant has co-operated in the investigation proceedings and the charge sheet has been filed, thus, there is no possibility of tampering the evidence. He further submits that there is no criminal history of the applicant, which has been explained in para 17 of the bail application and the applicant is

languishing in jail since 23.3.2026 and in case, the applicant is granted bail, he will not misuse the liberty and would co-operate in the trial proceedings.

Per contra, learned A.G.A. vehemently opposed the prayer of bail and submitted that this is dowry death and the applicant is the father-in-law, who is named in the FIR and thus, he is not entitled to any relief.

Having heard the learned counsel for the parties and after perusal of record, it transpires that no post mortem report has been conducted; the FIR has been lodged after five days of cremation and the family members of the deceased were present at the time of cremation on information given by the applicant and his family members; the applicant is father-in-law, who is 60 years of age; the case of the present applicant is distinguishable from the other co-accused persons; the applicant is languishing in jail since 23.3.2026 and he has undertaken that he will not misuse the liberty of bail if granted and would co-operate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant **Kundan Lal** 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:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under

Section 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 30, 2026
Ram Murti