



2026:AHC-LKO:42222

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4561 of 2026

Ashok Kumar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sushil Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

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

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No.77 of 2026, U/s 108 of the B.N.S., corresponding I.P.C. section is 306 of I.P.C., Police Station-Reusa, District - Sitapur.

Contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He submitted that the applicant is husband of the sister of deceased's wife and he has no concern of any kind in committing offence. He next submitted that the nature of allegations are not as such which could show any proximity in committing offence with any kind of action of the applicant.

He also submitted that the case of the present applicant is squarely covered with the ratio of the Judgment of the Hon'ble Apex Court rendered in the case of **Geo Varghese Vs The State of Rajasthan** reported in **AIR 2021 Supreme Court 4764**. He further submits that the chargesheet has been filed in the present matter and therefore, there is no possibility that the applicant would tamper the evidences or would threaten the witnesses. He added

that the applicant is languishing in jail since 26-04-2026 and he undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings. Thus, submission is that the applicant may be enlarged on bail.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that the applicant is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it is apparent that the applicant is relative of the wife of the deceased.

This court prima-facie finds that there is no such proximity of any action of the applicant with the offence. The cause of death is anti-mortem hanging. The applicant has no previous criminal history and he is languishing in jail since 26-04-2026 coupled with the fact that he has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings. The case of the present applicant seems to be covered with the ratio of the Judgment rendered by the Hon'ble Apex Court in the case of **Geo Varghese Vs The State of Rajasthan(Supra)**.

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 fit case of bail.

Let the applicant-**Ashok Kumar**, 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 trial court 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 29, 2026

AKS