



2026:AHC-LKO:42095

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4620 of 2026

Priti @ Rita And Another

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanjeev Kumar Mishra, Abhinav Nath
Tripathi

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

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Vakalatnama filed by Mr. Rajesh Kumar Awasthi, Advocate, on behalf of the complainant is taken on record.

Heard Dr. Amrendra Nath Tripathi, learned Senior Advocate, assisted by Sanjeev Kumar Mishra, learned counsels for the applicants, Mr. Rajesh Kumar Awasthi, learned counsel for the complainant, 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. 0048 of 2026, under sections 103(1) and 238 of the B.N.S.,2023, Police Station-Mahigawan, District -Lucknow.

The story of the prosecution, in brief, is that the informant's son, Mr. Saurabh was taken by his friend, Akhilesh(co-accused and the brother the applicant no. 2) and Vipin from home on 10-04-2026 at around 06.30 A.M. on the pretext of getting work in the State of Kerala and Akhilesh's sister-in-law, Priti, the applicant no. 1 also went with them. Further allegation is that the informant's son, Saurabh spoke to the informant from Priti's mobile number in the night of 10-04-2026 at 12.18 A.M. and called the family of the informant next day. Then the informant went to Akhilesh's house, but, no information could be gathered and thereafter, an

application was given at the police station on 13-04-2026, but, no action was taken and subsequently, on 19-04-2026, the first information report was lodged.

Submission of learned Senior Counsel for the applicants is that the applicant no.1 is a woman, having one month of child at the time of her arrest and the applicant no. 2 is the husband of the applicant no. 1, who was not present at the spot. He submitted that infact some accident had taken place, for which the first information report was lodged, in the state of Tamil Naidu, on 12-04-2026 and the dead body of the deceased was recovered.

He argued that infact there was no intent or motive of any kind for killing the deceased and the deceased was not killed but met with an accident and died. He added that the post-mortem report which was prepared at the State of Tamil Naidu, reveals that there is no such reason assigned of any kind, of killing or murder of the deceased. He added that initially, a report was registered of missing of the deceased, on 16-04-2026 and once, this was brought into the notice of the informant that Saurabh had died, the first information report was lodged, on 19-04-2026, while concocting the story of murder, though there is no truthfulness in the same. He submitted that infact the incident had occurred in the State of Tamil Naidu and the first information report has already been lodged over there and the investigation is still going on, therefore, the subsequent first information report is impermissible. He contends that the applicant no.1 was travelling with the deceased and was going to meet with her husband, at State of Tamil Naidu and thereafter, the deceased had to go for some work to the State of Kerala. He submitted that the intent of killing is highly missing in the present matter and it is a case of accidental death, which has been given the colour of murder and the applicants are suffering for their no fault. He also added that the applicants are languishing in jail since 20-04-2026 and they have no previous criminal antecedent and they undertake that in case, they are granted bail, they will not misuse the liberty of the same

and would always cooperate in the proceedings of the investigation, in the State of Uttar Pradesh as well as at the subsequent stage in the proceedings of trial. Therefore, it is submitted that the applicants may be enlarged on bail.

Learned counsel appearing for the complainant submitted that the dead body of the deceased has been recovered and there is ample evidence against the applicants that they have committed offence, thus submission is that the applicants are not entitled for any relief.

Per contra, learned AGA appearing for the State has supported the version of the learned counsel for the complainant and submitted that the applicants are not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, prima-facie, it seems that it is a case of accidental death as the intent and motive of killing are highly missing in the present matter; the applicants have no previous criminal antecedent; they are languishing in jail since 20-04-2026 coupled with the fact that the applicants have undertaken that if they are granted bail, they will not misuse the liberty of the same and would cooperate 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 fit case of bail.

Let the applicants-**Priti @ Rita and Kamlesh**, involved in the aforementioned crime be released on bail, on their 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 applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the

investigation or trial;

(2) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. They shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code;

(3) The applicants 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 applicants misuse the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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 25, 2026

AKS