



2026:AHC-LKO:39973

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1041 of 2026**

Pooja Devi

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	: Vinod Kumar Pandey, Rakshit Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present anticipatory bail application under Section 438 Cr.P.C./ 482 BNSS has been filed by the accused-applicant Pooja Devi who is apprehending her arrest in connection with Case Crime No. 26 of 2026, under Sections 108, 238 of BNS, 2023 (Corresponding Sections 306, 201 IPC), Police Station Dostpur, District Sultanpur.
3. Brief facts of the present case are that an FIR has been lodged on 13.10.2025 under sections 108, 238 of BNS against the applicant and her husband Ravinder Upadhyay alleging that both of them alongwith co-accused had committed murder of Mandakini wife of Vipin Upadhyaya by hanging her. The applicant is Jethani and Ravinder is Jeth of the deceased.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated. The case was initially lodged under Section 103(1) BNS but during investigation the same has been converted into Section 108/238 BNS.
5. It is further submitted that the FIR has been lodged with a delay of six days and there is no explanation for such an inordinate delay though the inquest as well as postmortem examination was conducted in the presence

of the complainant and Deepak Upadhyay (Bhanja of the deceased). In the inquest of the deceased, no injury has been found, however, in the postmortem examination a ligature mark of 23 cm x 2 cm on the front of neck has been found.

6. There is no allegation of any altercation of the deceased with the applicant. The applicant and his family members were living separately alongwith father in law. It is apparent from the statement of witnesses also that dispute was taken place between the deceased and the co-accused Ravindra Upadhyay either previously or on the alleged date of incident. Even the daughter of the deceased in her statement has stated that she is not angry with the accused-applicant and it is only a case of family dispute wherein there is no allegation against the applicant for instigating or abetting to commit suicide.

7. It is submitted that the applicant is lady and she has nothing to do with the death of the deceased. She is a housewife and has no criminal antecedents. Learned counsel for the applicant has assured that she shall make herself available for interrogation and will cooperate with the investigation as and when required.

8. Learned A.G.A. vehemently opposed the bail prayer but did not dispute the factual assertion made by learned counsel for the applicant.

9. Considering the facts and circumstances of the case and having gone through the material on record, I am of the view that the applicant Pooja Devi is entitled for anticipatory bail.

10. Accordingly, it is directed that in the event of arrest of the applicant in the aforesaid case crime number, she shall be released on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to the following conditions:-

(i) The applicant shall make herself available for interrogation by the Investigating Officer as and when required.

(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

(iii) The applicant shall not leave the country without prior permission of the Court concerned.

(iv) The applicant shall cooperate in the investigation and trial proceedings.

(v) The applicant shall not tamper with the prosecution evidence.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to seek cancellation of anticipatory bail.

12. The Anticipatory Bail Application is accordingly allowed.

(Zafeer Ahmad,J.)

June 2, 2026

Fahim/-