



2026:AHC:174552

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29241 of 2026

Ramesh @ Kallu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pawan Kumar Shukla, Rajesh Kumar
Gautam

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri R. K. Singh, Advocate has filed his Vakalatnama on behalf of the informant, which is taken on record.
2. Heard learned counsel for the applicant, Sri R.K. Singh, learned counsel for the informant and Sri S.S. Pandey, learned AGA for the State-opposite party. Perused the material available on record.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 123 of 2026, under Section 108 B.N.S., Police Station- Teji Bazaar, District- Jaunpur, during the pendency of the trial.
4. Counsel for the applicant contends that the applicant is the brother-in-law (*Jeth*) of the deceased and has been falsely implicated in the present case. As per the post-mortem report, the cause of death could not be ascertained. Viscera was preserved and sent for chemical analysis. The viscera report is not part of the case diary. Further, as per the allegations in the first information report 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. Mere allegations of matrimonial discord, illicit relations between co-accused Suresh and co-accused Sangeeta, or harassment, in the absence of any positive act of instigation, intentional aid, or proximate conduct compelling the deceased to commit suicide, do not constitute the offence of abetment to suicide. 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 18.06.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned counsel for the informant and learned AGA have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court *prima facie* finds that as per the allegations in the first information report 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. Viscera report is not part of the case diary. 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 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.

7. Let the applicant **Ramesh alias Kallu**, 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;

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

August 19, 2026

Abhishek