



2026:AHC:174507

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29190 of 2026

Hema Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shamsuddin Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of the post-mortem report and the viscera report of the deceased, produced by Sri Anupam Anand, learned Brief Holder for the State, is taken on record.
2. Heard learned counsel for the applicant, Sri Anupam Anand, learned Brief Holder for the State. 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. 04 of 2026, under Sections 108, 115(2) and 352 of the B.N.S., Police Station- Jaspura, District- Banda, during the pendency of the trial.
4. Learned counsel for the applicant contends that the applicant is the wife of the deceased and has been falsely implicated in the present case. The incident is alleged to have occurred on 24.11.2025, whereas the first information report was lodged on 10.01.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. As per the post-mortem report, cause of death could not be ascertained. Viscera was preserved and sent for chemical analysis. As per the viscera report, aluminium phosphide poison was found. 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 allegation of insult, harassment and utterance of words "go and die," in absence of any positive act of instigation, intentional aid, on the part of the applicant, would not constitute the offence of abetment of 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 13.02.2026 having no criminal antecedents and in case, she is enlarged on bail, she will not misuse the said liberty.

5. Learned AGA has 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 the first information report has been lodged belatedly. 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. There is no direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant is a lady and has remained confined for more than six months and after submission of the charge sheet 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 **Hema Devi**, 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 she:

- (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.

August 19, 2026

Abhishek

(Vivek Varma, J.)