



2026:ABC:2202

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5261 of 2025

Rachana Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Siddharth Shukla, Somit Shukla
Counsel for Opposite Party(s) : G.A., Rahul Kumar Sharma

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. The instant case is nominated to this Court vide order dated 04.11.2025 passed by Hon'ble The Chief Justice.
2. Heard learned counsel for the applicant, learned counsel for the informant, learned A.G.A for the State and perused the record.
3. On 21.11.2025, this Court had passed the following order:-

"उभय पक्ष के विद्वान अधिवक्ता उपस्थित एवं विद्वान अपर शासकीय अधिवक्ता उपस्थित है।

आवेदक के विद्वान अधिवक्ता के तर्क है कि जांच अधिकारी ने आवेदक की वार्ता करने या किसी और की आवाज़ की फॉरेंसिक साइंस लैब रिपोर्ट कभी पेश नहीं की, लेकिन संबंधित थाने की पुलिस ने पहले सूचना देने वाले का फ़ायदा उठाकर जल्दबाजी में आवेदक को इस मामले में झूठा और गैर-कानूनी तरीके से फंसा दिया तथा आवेदक को इस मामले में सिर्फ आवेदक की कही जा रही आवाज़ की मोबाइल रिकॉर्डिंग दिखाने के आधार पर झूठा फंसाया, जबकि असल में वह आवाज़ आवेदक से जुड़ी नहीं थी, बल्कि पहले सूचना देने वाले ने ही मृतक भाई मानवेंद्र उर्फ मानवेश की प्रॉपर्टी हड़पने के गलत इरादे से उसकी पत्नी और एक और अतेन्द्र उर्फ अतू के खिलाफ़ यह मामला दर्ज कराया था। इसका उल्लेख आवेदन पत्र के प्रस्तर 15 व 16 में किया गया है।

विद्वान अपर शासकीय अधिवक्ता श्री राजेन्द्र सिंह को जमानत आवेदन पत्र के प्रस्तर 15 व 16 के संबंध में विस्तृत आपत्ति दाखिल करने हेतु यथाप्रार्थित 04 सप्ताह का समय प्रदान किया जाता है।

तत्पश्चात् 02 सप्ताह में आपत्ति का उत्तर दाखिल किया जाय।

तदनुसार, इस वाद को दि० 06.01.2026 को सूचीबद्ध किया जाय।"

4. Pursuant to the earlier order of this Court dated 21.11.2025, learned A.G.A. has filed compliance affidavit annexing therein the copy of the report dated 20.08.2025 issued by Forensic Science Laboratory, Lucknow, which is annexed as Annexure-1 to the compliance affidavit. Perusal of the report dated 20.08.2025 shows that according to the analysis, no opinion could be rendered regarding the disputed digital data present in the DVD marked exhibit Q-1, as the quality was insufficient for the purpose of voice matching. It is thus contended that the applicant has been falsely implicated in the present case due to ulterior motive. Learned counsel next argued that the applicant has no criminal history. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that applicant is languishing in jail since 16.09.2022.

5. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

6. After perusing the record in the light of the submissions made at the bar and after taking an overall view of all the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, without expressing any opinion on merits of the case, this Court is of the view, that

the applicant may be enlarged on bail.

7. Let applicant **Rachana Devi** involved in Case Crime No.398 of 2022 under Sections 302, 201, 120-B I.P.C., Police Station Baldeo, District Mathura, be released on bail on furnishing a personal bond and two heavy local sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

9. The bail application is allowed.

(Dr. Gautam Chowdhary,J.)

January 6, 2026

S.Ali