



2026:AHC:15608

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17199 of 2025

Smt. Sudama

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Yogesh Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Yogesh Mishra, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.430 of 2023, under Sections 302, 328, 120B I.P.C., Police Station Kasganj, District Kasganj, during the pendency of trial.
4. As per prosecution story, on 22.06.2023, the applicant is stated to have called the deceased person to her house and had committed his murder as the dead body of the son of informant was found behind the house of applicant. The dead body was recovered in the morning of 23.06.2023.
5. Learned counsel for the applicant has stated that the FIR is delayed by about twenty hours after the recovery of the dead body, and there is no explanation for the said delay caused either. There is no eyewitness to the incident. The applicant was not seen by any person assaulting or committing the murder of the deceased person. It is true that the dead body of the deceased person was found behind the house of the applicant itself, but, being a lady, she was not having the resources to dispose of the dead body in the way narrated by the prosecution.
6. Learned counsel for the applicant has further stated that zinc phosphide

poison was found in the viscera report of the deceased person. The said chemical was found in the rat repellent, whereby the deceased person might have committed suicide also. There is no criminal history of the applicant. The applicant is languishing in jail since 24.06.2023 and she is ready to cooperate with trial. In case, she is released on bail, she will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that there is no ocular account of the deceased person, and without expressing any opinion on the merits of the case, *prima facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Smt. Sudama**, who is involved in aforementioned case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 21, 2026

(Ravi Kant)