



2026:AHC:7223

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44905 of 2025

Anju

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sr. Advocate, Vivek Chaturvedi
Counsel for Opposite Party(s) : G.A., Quasim Khan, Shams Uz Zaman

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Nipun Singh, learned Senior Advocate assisted by Sri Paritosh Joshi, learned counsel for the applicant, Sri Shams Uz Zamman, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.1069 of 2014, under Sections 302, 102-B I.P.C., Police Station- Baraut, District- Baghpat, during the pendency of trial.

PROSECUTION STORY:

4. The FIR was instituted by the informant stating that on 25.12.2014 at about 09:45 a.m. he had gone to the house of his brother-in-law Satyaveer @ Kallu and as he was about to reach the house he saw two persons coming out of his house.
5. As the informant entered the house, he was told by Smt. Renu, daughter of Satyapal, and her son Debu that two persons had come from the outside and were seated in the bedroom and the deceased person Satyaveer @ Kallu had asked him to fetch some water for them and subsequently he asked for providing two glasses of milk to them.
6. In the meantime, they shot at Satyaveer Singh four-five times, thereby grievously hurting him. The injured was rushed to Astha Hospital with the

help of neighbours Rajendra Singh and Smt. Renu and Satyaveer Singh @ Kallu was declared as brought dead.

7. The informant suspected that it was the applicant and her acquainted persons who have committed the said offence of murder.

ARGUMENTS ON BEHALF OF APPLICANT:

8. The applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the said offence.

9. The FIR is too prompt and it was instituted within one hour of the incident. The incident is of 25.12.2014 and the assailants were not known to any person whatsoever.

10. On 5.1.2015, the statement of Bohti Devi, mother of the deceased person, was recorded whereby she had stated that the persons who had murdered her son were Sarvesh @ Mangal and Vikki and the motive was money dispute.

11. The said two accused persons, Sarvesh @ Mangal and Vikki were arrested and they confessed having committed the offence, as such, the final report (charge-sheet) was submitted against them on 1.3.2015.

12. The cognizance was taken by CJM, Baghpat on 31.3.2015 and the matter was committed to the Court of Sessions. The trial court was pleased to frame charges against the two accused persons, Sarvesh @ Mangal and Vikki.

13. In the meantime, the accused persons, Sarvesh @ Mangal and Vikki were granted bail by this Court vide its order dated 9.3.2016 passed in Criminal Misc. Bail Application Nos.15627 of 2015 and 15980 of 2015, respectively.

14. The step-brother of the deceased, Sohanveer with an intention to usurp the property of the deceased person filed two civil suits, one complaint case and a civil revision challenging mutation of the property. He also filed a suit under the Guardians and Wards Act seeking custody of the minor children of the applicant.

15. The said Sohanveer also influenced his mother Bohti Devi to change her

statement and implicate the applicant in the murder case.

16. At the instigation of Sohanveer, on 18.4.2016 the mother of the deceased person, Bohti Devi filed a notarized affidavit before the Superintendent of Police (Crime) raising the allegations of conspiracy to murder against the applicant and one Ashwani Kumar.

17. After the said affidavit, the applicant filed a Criminal Revision No.23128 of 2016 seeking protection from arrest, as such, this Court vide its order dated 7.11.2016 granted interim protection to the applicant from arrest and also directed the investigating agency to complete the investigation within one month.

18. Subsequent to the said order, the police filed a final report (charge-sheet) against the applicant and co-accused Ashwani Kumar U/s 302, 120-B I.P.C. on 2.12.2016.

19. The applicant challenged the said final report (charge-sheet) by filing a Criminal Misc. Application U/s 482 Cr.P.C. No.2856 of 2017 before this Court and this Court was pleased to stay the proceedings against the applicant vide its order dated 30.1.2017, but the said petition was dismissed by this Court vide order dated 13.5.2019.

20. In the meantime, the mother of co-accused Ashwani Kumar submitted an application to the Principal Secretary (Home) for further investigation in the matter on 23.1.2019, as such, the matter was transferred to CB-CID on 13.2.2019 for further investigation.

21. The CB-CID after thorough investigation, exonerated the applicant and co-accused person Ashwani Kumar of all the charges and filed a closure report on 24.1.2020, which was filed in court on 5.2.2020.

22. The mother of the deceased person Bohti Devi filed a Criminal Misc. Writ Petition No.7093 of 2019 challenging the order of further investigation dated 13.2.2019 before this Court, which was dismissed on 17.11.2020.

23. Smt. Bohti Devi challenged the said dismissal order dated 17.11.2020 before the Supreme Court by filing a SLP (Crl.) No.4394 of 2021 and the Supreme Court was pleased to set-aside the order of this Court dated

17.11.2020 and also quashed the order dated 13.2.2019 passed by Principal Secretary (Home) for further investigation to be taken up by CB-CID.

24. The co-accused person Ashwani Kumar was released on bail by this Court vide order dated 25.3.2022 passed in Criminal Misc. Bail Application No.4095 of 2022.

25. Smt. Bohti Devi again challenged the said order of bail dated 25.3.2022 before the Supreme Court by filing a Criminal Appeal No.1695 of 2022, whereby the Supreme Court set-aside the bail granted to co-accused Ashwani Kumar vide its order dated 30.9.2022.

26. The said co-accused again filed a Criminal Misc. Bail Application No.43156 of 2023 before this Court, which was rejected vide order dated 17.11.2023. The accused Ashwani Kumar was granted bail by the Supreme Court vide order dated 12.8.2024 passed in SLP (Crl.) No.2506 of 2024.

27. The matter pertains to property dispute between the family members and it has been given a colour of criminal nature by the said stranger to the criminal proceedings Sohanveer and his mother Bohti Devi. They are hell-bent on keeping the applicant behind the bars on one pretext or the other.

28. The affidavit filed by Smt. Bohti Devi before the Superintendent of Police (Crime) is hit by Section 162 Cr.P.C. and is not admissible at all.

29. The primary accused person Ashwani Kumar has already been granted bail by the Supreme Court, as such, the applicant being a lady is also entitled to bail on the ground of parity.

30. The applicant was declared a proclaimed offender at the behest of Smt. Bohti Devi as the petitions filed by the co-accused Ashwani Kumar were still pending before the courts.

31. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 18.10.2025 and she is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of

bail.

ARGUMENTS ON BEHALF OF STATE/OPPOSITE PARTY:

32. The bail application has been vehemently opposed on the ground that applicant is a proclaimed offender as the proceedings U/s 82 and 83 Cr.P.C. were complete against her on 22.2.2023.

33. The applicant did not abide by the court's order, as such, she is not entitled to bail.

34. The applicant was having illicit relationship with co-accused Ashwani Kumar and hatched conspiracy with him to get the murder of her husband committed.

35. The applicant was offered to undergo Lie Detector Test, which was refused by her. The said fact also goes against her as she has not come with clean hands.

CONCLUSION:

36. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

37. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.***

38. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an*

exception".

39. Learned A.G.A. could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

40. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant has been implicated on the basis of suspicion only that too allayed by her mother-in-law after a delay of about one year and five months and the co-accused Ashwani Kumar having been already enlarged on bail by the Supreme Court, 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***.

41. Let the applicant- **Anju**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

43. 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 12, 2026

Vikas Verma