



2026:AHC:14289

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2732 of 2025

Smt. Rinki Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Awaneesha Kumar, Mahesh Kumar
Sahani, Narendra Singh

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Narendra Singh, learned counsel for the applicant, Sri R.P. Singh, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 502 of 2024, under Sections 103(1) BNS., Police Station Gorakhnath, District Gorakhpur, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have started living separately to her husband Ashok and had come to meet him in the night of 20/21.9.2024. Both are stated to have started quarreling with each other at about 1.00 am, whereby after sometime, the voice of the husband of the applicant namely, Ashok stopped. Subsequently, in the morning, on hearing the cry of the daughter of the deceased person, it came to the knowledge of the informant that his brother had expired.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about eight hours from the time of incident and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that there is no eye-witness of the incident. The applicant has simply been made an accused on

the basis of suspicion only. It is true that the deceased had expired due to strangulation but the applicant is a lady of frail structure and is not capable of committing the said offence of strangulation, as such, the applicant is entitled for bail.

7. Even the statement of PW-1 has been examined and he has rather stated that he did not hear any noise in the night, as such, the applicant is entitled for bail. There is no criminal history of the applicant. The applicant is languishing in jail since 21.9.2024, as such, the period of incarceration is about one year and three months. She is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of bail.

8. Learned State Law Officer has vehemently opposed the bail application but could not dispute the aforesaid submissions of learned counsel for the applicant.

9. This Court had called for the status of trial. The status report dated 11.12.2025 indicates that two witnesses have been examined.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of PW-1 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**.

11. Let the applicant- **Smt. Rinki Devi**, 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.

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

13. 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 20, 2026

Shalini