



2026:AHC:54695

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4645 of 2026

Moni

.....Applicant(s)

Versus

State Of U.P. Through Its Principal Secretary
(Home) At Lucknow, U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Atul Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by the State is taken on record.
2. Heard Sri Atul Kumar, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.127 of 2025, under Sections 80(2), 85 of BNS and Section 3/4 DP Act, Police Station Kakrauli, District Muzaffar Nagar during pendency of the trial.
4. Learned counsel for the applicant submits, however applicant is husband of the deceased but on the basis of false allegation he has been made accused in the present matter.
5. He next argued, actually deceased was suffering with migraine and therefore, she remained disturbed in the life and only due to this reason she committed suicide by hanging. He further submits, postmortem report also suggests, deceased died due to hanging.
6. He further argued, however, after FIR when first statement of the informant was recorded under Section 180 BNSS, then he supported the version of the FIR, but during investigation he filed affidavit and in the affidavit he stated applicant used to consume liquor and his daughter suffered with migraine and therefore due to habit of the applicant and her illness she committed suicide and his second statement has been annexed

at Page-80 of the paper book.

7. He next submits, the affidavit and second statement of the informant clearly suggests on the basis of false allegation applicant has been made accused in the present matter.

6. He further argued, applicant is not having any other criminal history and in the present matter he is in jail since 15.08.2025 i.e. for last more than seven months.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, applicant is the husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of dowry, but deceased died due to hanging. Further it reflects, during investigation informant filed an affidavit and thereafter his statement was recorded and according to him applicant used to consume liquor and deceased suffered with migraine and therefore she committed suicide.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 15.08.2025 i.e. for last more than seven months.

11. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant - **Moni** be released on bail in the aforesaid case on

furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.
- (ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.
- (iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial

March 17, 2026

Ashish/-

(Sameer Jain,J.)