



2026:AHC:65593

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10563 of
2026

Saitan Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Piyush Kesharvani, Sarvesh Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Indra Pal Singh Rajpoot, Advocate, has filed his Vakalatnama on behalf of the informant. The same is taken on record.
2. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Indra Pal Singh Rajpoot, learned counsel for the informant.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 107 of 2025, under Section 108 B.N.S., Police Station Kampil, District Farrukhabad during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 12.05.2025. The first information report was lodged on 06.07.2025. The delay is fatal to the prosecution case. Initially, the first information report was lodged under Sections 103(1), 238 B.N.S. During investigation the case was converted into Section 108 B.N.S. No postmortem of the deceased was conducted. Further, as per the allegations in the first information report and the material collected during the

course of investigation, the necessary ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant, in no manner, abetted the commission of suicide by the deceased. Learned counsel for the applicant has placed reliance on the judgement of the Apex Court in the cases of **Nipun Aneja and others v. State of Uttar Pradesh, Criminal Appeal No. 654 of 2017**, decided on 03.10.2024, and **Abhinav Mohan Delkar v. The State of Maharashtra and others, Criminal Appeal Nos. 2177-2185 of 2024**, decided on 18.08.2025. Investigation has been completed and the charge-sheet has been submitted. The applicant has no criminal antecedents. The applicant is in jail since 16.11.2025 and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. No postmortem of the deceased was conducted. As per the allegations in the first information report and the material collected during the course of investigation, the necessary ingredients to constitute the offence under Section 108 B.N.S. are not made out. There is no proximate or direct act attributable to the applicant that could be construed as instigation, conspiracy or intentional aid to the commission of suicide. Moreover, the applicant has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Saitan Singh, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court

concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 30, 2026
SKT/-

(Vivek Varma,J.)