



2026:AHC:67817

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10729 of 2026

Ajharuddin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Srivastava, Amit Kumar
Srivastava

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

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Vakalatnama filed by Sri Devendra Gupta, Advocate, on behalf of the first informant, today, is taken on record.

2. Heard Sri Abhishek Srivastava, learned counsel for the applicant, Sri Devendra Gupta, learned counsel for the first informant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.

3. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.375 of 2025, under Sections 103(1) of B.N.S., Police Station Naugawa Sadat, District Amroha.

4. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that as per the allegation of the FIR, the deceased was alleged to be the wife of the applicant and the applicant was having illicit relationship with another women, which was objected to by the deceased, and for that reason dispute used to occur between them; the deceased also left her matrimonial house and went to her parental house, and thereafter the applicant and his family members came to the parental house of the deceased and took her to matrimonial house with the assurance that she will be kept with honour and respect. Thereafter, the deceased returned to her matrimonial house on 15.08.2025. Information of death of the deceased was received by the family members of the

deceased on 02.09.2025. It is further submitted that the first informant and other family members of the deceased have taken the deceased to their house and also during last rites, they found some injuries on the person of the deceased but she was buried on 03.09.2025. Subsequently, on 08.09.2025, an application was moved by the mother of the deceased; thereafter body of the deceased was exhumed and post-mortem was conducted on 16.10.2025. He further submitted that as per the post-mortem report of the deceased, fracture on skull bone was found and cause of death was opined as ante-mortem injury.

5. Counsel for the applicant submits that the applicant is an innocent person and he has been falsely dragged into this case. He further submitted that the deceased was admitted to Apex Nursing Home, Naugawan on 02.09.2025 having complaint of fever and vomiting, thereafter she was referred to Government Hospital, Amroha, where she was treated by Dr. Gaurav Singh and ultimately she died on 02.09.2025. He further submitted that even from the statement of Dr. Gaurav Singh, this fact is duly substantiated that there was no external injury on the person of the deceased. The applicant has been falsely implicated in the present case only being the husband of the deceased, and just to extract money by the first informant and his family members, though there is no incriminating material against the applicant. Applicant has no criminal history. The applicant is in jail since 04.02.2026. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. On the other hand, learned A.G.A. for the State as well as learned counsel for the first informant opposed the prayer for bail but could not dispute the aforesaid fact.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in 2025 SCC OnLine SC 3038 and without

expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

8. Let the applicant- **Ajharuddin** involved in the aforementioned crime be released on bail, on his 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 not directly or indirectly make any 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 to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through

concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023 reported in (2024) 10 SCC 685.**

(Arun Kumar Singh Deshwal,J.)

March 31, 2026

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