



2026:AHC:59175

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7768 of 2026

Rahul Gond

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Harendra Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Harendra Yadav, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.43 of 2025, under Sections 85, 103(1), 80(2) B.N.S. and Section 3/4 D.P. Act, Police Station Karimuddinpur, District Ghazipur.
3. 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 the applicant is the husband of deceased. The deceased committed suicide on 17.02.2025 along with her child aged about 16 months. It is further submitted that post-mortem report also reveals that the deceased committed suicide as there was no ante-mortem injury found on her person. It is further submitted that deceased left her matrimonial house in the month of October, 2024 and went to her parents house, and she again came back to her matrimonial house on 04.02.2025, and thereafter she committed suicide on 17.02.2025. It is further submitted that there is no evidence between 04.02.2017 and 17.02.2025 that the deceased was subjected to any cruelty for demand of dowry. It also submitted that the statement of villagers namely Sanjay Rai and Ramesh Kumar shows that quarrel used to take place between them on several occasions with regard to petty issues, and not for demand of

dowry. He further submitted that in absence of any allegation regarding demand of dowry, soon after the death of the deceased, presumption of Section 118 B.S.A. cannot be invoked against the applicant, and the deceased herself committed suicide because of disputes, which used to occur between them on petty issues, as the financial condition of the applicant was not good. The applicant is a 'Rikshaw Puller'. He further submitted that applicant has not committed any offence. Applicant has no criminal history. The applicant is in jail since 19.02.2025. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. 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**.

6. Let the applicant- **Rahul Gond** 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.

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

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

9. 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.

10. 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.

11. 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 23, 2026

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