



2026:AHC:59466

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6232 of 2026

Vivek

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ganesh Mani, Raghvendra Pratap Singh

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

Court No. - 65

(Sl. No. 63 out of 309)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Raghvendra Pratap Singh, learned counsel for the applicant and Sri Shivam Yadav and Sri Uday Bhatia, learned counsels for the informant as well as Sri Deepak Kumar Singh, learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No. 499 of 2025, under Sections 65(1), 333, 351(2), 64(2), 107, 351(3) of BNS, Sections 51/6 of POCSO Act and Section 3(2)5 of SC/ST Act, Police Station - Loni Border, District - Ghaziabad, during the pendency of trial.**

4. As per prosecution story, the applicant is stated to have established a corporeal relationship with the victim and subsequently refused to continue the relationship and resorted to blackmail, thereby coercing and compelling the victim to commit suicide.

5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about 16 days and there is no explanation of the said delay caused. The FIR was instituted after the inquest proceedings and the postmortem examination of the victim.

6. Learned counsel has also stated that there is neither any overt act assigned to the applicant of having abetted the victim to commit suicide nor he has usurped any amount or ornaments of the victim.

7. Learned counsel has next contended that the applicant is languishing in jail since 24.08.2025, having no criminal history, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application on the ground that the informant has given the application before the police station promptly and he had also given a memory card to the Investigating Officer which got corrupted, as such, the data contained in the memory card could not be retrieved.

9. The Supreme Court in ***Ude Singh and Ors. vs. State of Haryana, (2019) 17 SCC 301*** observed:-

"16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions aboveresferred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self esteem and self-respect of the victim,

which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, the aforesaid judgement of Supreme Court and also considering the inordinate delay of 16 days in lodging the FIR and the fact that there is no overt act assigned to the applicant, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

11. Let the applicant- **Vivek**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

12. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 23, 2026

Siddhant