



2026:AHC:55380

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6316 of 2026

Parwati

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Sunil Kumar Tiwari, learned counsel for the applicant, Sri Ajay Singh, learned AGA-I for the State and perused the material on record.

3. This third bail application under Section 483 BNSS has been filed by the applicant **Parwati**, seeking enlargement on bail during trial in connection with Case Crime No. 259 of 2021, under Sections 498-A, 304-B, 201 IPC and 3/4 D.P. Act, registered at P.S. Sahaswan, District Badaun.

4. The first and second bail applications of the applicant were rejected by this Court vide orders dated 18.04.2022 and 14.02.2025 passed in Crl. Misc. Bail Applications Nos. 4417 of 2022 (Parwati Vs. State of U.P.) and 30257 of 2023 (Parwati Vs. State of U.P.).

5. The submission of learned counsel for the applicant is solitary that the applicant is a lady and co-accused Kishori Lal the father-in-law of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 19.01.2026 passed in Crl. Misc. Bail Application No. 43293 of 2025 (Kishori Lal Vs. State of U.P.) considering the period of detention and the stage of trial, copy of the said order has been placed before the Court which is annexure 13 to the affidavit which reads as under:

"1. Heard Sri S.K. Tiwari, learned counsel for applicant and Sri B.P. Singh, learned AGA for State.

2. This is second bail application. The first bail application was rejected vide order dated 13.03.2023.

3. According to status report dated 17.01.2026, out of now proposed 11 prosecution witnesses, 5 have been examined and trial may be concluded within a year.

4. Learned counsel for applicant submits that applicant is father in law of deceased who is in jail since 15.06.2021 i.e. more than 4 years and 6 months whereas minimum sentence U/s 304-B IPC is 7 years, therefore, applicant may be enlarged on bail.

5. Learned AGA has opposed the bail and submits that an alternative charge of Section 302 r/w Section 34 IPC, therefore, the applicant may not be released on bail.

6. I have considered above submissions and perused the records.

7. Taking note of above referred period of incarceration which is about 4 years and 6 months and all material witnesses have already been examined and there is no possibility that applicant may influence any witness and taking note that relationship between applicant and deceased, this Court finds that applicant has made out a case for bail.

8. Let the applicant- Kishori Lal be released on bail in Case Crime No. 259/2021 under Sections 498-A, 304-B, 201 IPC and 3/4 of D.P. Act, Police Station- Sahaswan, District- Badaun on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment or exemption from appearance on the date fixed in trial. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under section 174-A I.P.C.

(iv) The Trial Court may make all possible efforts/endeavour and try to conclude the trial expeditiously, preferably within a period of six months after release of applicant, if there is no other legal impediment.

(v) Applicant has to appear on each and every date before learned trial Court and any application for exemption of his appearance on vague ground could be a ground for cancellation of bail by learned trial Court immediately.

9. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

10. The bail application is allowed.

11. It is made clear that the observations made hereinabove are only for the purpose of adjudicating the present bail application.

10. Trial Court will take all endeavour to expedite the trial."

6. It is submitted that thus the bail of the applicant be considered and she be directed to be released on bail. It is submitted that the applicant has no criminal history as stated in para 28 of the affidavit and she is in jail since 20.06.2021.

7. Per contra, learned counsel for the State opposed the prayer for bail and submitted that the first and second bail applications of the applicant were rejected on merits by this Court vide orders dated 18.04.2022 and 14.02.2025. It is submitted that although co-accused Kishori Lal the father-in-law of the deceased has been granted bail in second bail application but the fact that the bail of the applicant has been rejected who is co-accused, has not been considered in the same and thus the benefit of it cannot be extended to the applicant. It is further submitted that the trial in the matter is going on in which as per status received by him, five witnesses have been examined out of eleven witnesses. Learned counsel for the State further submits that the incident is grave in nature, he has relied upon the judgment of the Apex Court in the case of **Shabeen Ahmad Vs. State of U.P. and another : SLP (Criminal) No. 15156 of 2024**, decided on 03.03.2025 and while placing para 15 of the same has submitted that the gravity of the offence also needs to be looked into and there is nothing on record that the deceased died a natural death.

8. After having heard learned counsels for the parties and perusing the records, it is evident that this is third bail application. The second bail application of the applicant was rejected by this Court vide order dated 14.02.2025. The same reads as under:

"1. List revised.

2. Heard Sri Ravi Shankar Tripathi,, learned counsel for the applicant and Sri Birendra Pratap Singh, learned counsel for the State and perused the material on records.

3. This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 18.04.2022 passed in Criminal Misc. Bail Application No. 4417 of 2022 (Parwati Vs. State of U.P.).

4. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Parwati, seeking enlargement on bail during trial in connection with Case Crime No.259 of 2021, under Sections 498-A, 304-B, 201 I.P.C. and 3/4 D.P. Act, registered at Police Station Sahaswan, District Badaun.

5. Learned counsel for the applicant submitted that the sole ground for pressing the bail is period of incarceration of the applicant which is from 20.06.2021 and till date the trial has not concluded. While placing the order-sheet of the trial court which is from 16.04.2022 to 21.09.2024, the copy of which is annexed as Annexure-2 to the supplementary affidavit dated 30.09.2024 it is submitted that trial is proceeding at a very slow pace. It is submitted that the applicant be thus released on bail. The applicant

has no criminal antecedents as stated in para 20 of the affidavit.

6. Per contra, learned counsel for the State vehemently opposed the prayer for bail and argued that the first bail application of the applicant has been rejected by this Court vide order dated 18.04.2022 on merits. It is submitted that even in so far as the averment in paragraph 17 of the affidavit is concerned, the same states that the applicant is suffering from old age problems but paragraph 20 of the affidavit states that the applicant is aged about 48 years and as such it is clear that she is a young person. It is submitted that trial is going on in which the evidence of P.W.2 has concluded on 18.12.2024 and as such it cannot be said that trial is not proceeding. It is submitted that there is no new & fresh ground in the present second bail application.

7. After having heard learned counsel for the parties and perusing the record, it is evident that the first bail application of the applicant was rejected by this Court vide order dated 18.04.2022, the same reads as under:-

"Affidavit of compliance dated 12.04.2022 filed by learned State Counsel today in the Court is taken on record.

Heard Sri Bharat Singh, learned counsel for the applicant, Sri Pankaj Mishra, learned counsel for the State and perused the material on record.

This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-Parwati, seeking enlargement on bail during trial in connection with Case Crime No.259 of 2021, under Sections 498-A, 304-B, 201 I.P.C. and 3/4 D.P. Act, registered at Police Station Sahaswan, District Badaun.

Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the applicant is the mother-in-law of the deceased Smt. Rekha. The marriage of Rekha, the deceased was solemnized with Mukesh, the son of the applicant in the year 2016. At the time of the incident, the applicant was at her parental house and when she came to know about the incident, she came back to her house and then she came to know that the present FIR has been lodged, para 18 has been placed before the Court. It is argued that the Investigating Officer when reached the place of occurrence, had found only Kishori Lal, the husband of the applicant to be present in the house, annexure 3 has been placed before the Court. It is specifically noted by the Investigating Officer in the said parcha that except Kishori Lal, there was no other person present in the house. On strictly asking to Kishori Lal, the dead-body of the deceased was recovered on his pointing out which was buried under the mud and then after following due process of law it was taken out. The doctor conducting postmortem examination did not find any bodily injury on the body of the deceased and viscera was preserved. The viscera report does not state of any poison being present in the body of the deceased. It is argued that the applicant is a lady and is entitled to get benefit of Section 437 Cr.P.C. It has also been pointed out that the applicant is not having any criminal history as stated in para 28 of the affidavit and is in jail since 20.06.2021.

Per contra learned counsel for the State vehemently opposed the prayer for bail and argued that the applicant is named in the FIR. There are allegations against the applicant along with other family members. The dead-body of the deceased was buried under the mud which was exhumed and then postmortem was conducted. The applicant has given wrong information to the family members of the

deceased regarding her whereabouts. The doctor has opined the time of death to be about 6-7 days when the postmortem was conducted on 1.6.2021 for which there is no plausible explanation. The alibi as is being taken needs to be proved in the trial and is subject matter of trial.

After hearing the counsel for the parties and perusing the record, it is apparent that the applicant is named in the FIR. There are allegations against the applicant. The alibi as is being taken needs to be proved in the trial and is subject matter of trial. The dead-body of the deceased was buried under the mud which was exhumed and then postmortem was conducted. There was an effort by the accused persons to conceal the dead-body of the deceased which was found buried.

Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected."

8. The sole ground as pressed is the delay in trial. Learned counsel for the State on instructions after time was granted to him vide order dated 29.11.2024 submits that the trial is going on in which the testimony of P.W.-2 has concluded on 18.12.2024. The same goes to show that trial is not at standstill but is proceeding.

9. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is rejected.

10. Pending application (s), if any, shall stand disposed of."

9. The solitary ground that co-accused has been granted bail which is being pressed although is not disputed by learned counsel for the State but the perusal of the said order goes to show that the rejection of the bail of the applicant has not been considered. The matter is grievous in nature. The trial in the matter is going on in which as per status received by learned counsel for the State, five witnesses have been examined out of eleven witnesses. There is no new and fresh ground argued in the bail application. I do not find it to be a fit case for bail.

10. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

11. The bail application is, accordingly, **rejected**.

11. Pending application(s), if any, stand disposed of.

(Samit Gopal,J.)

March 18, 2026
M. ARIF