



2026:AHC:54696

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4502 of 2026

Durgesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Surendra Mohan Mishra
Counsel for Opposite Party(s)	:	G.A., Ravindra Prakash Srivastava

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by the State is taken on record.

2. Heard Sri Surendra Mohan Mishra, learned counsel for the applicant, Sri J.P. Yadav, Advocate holding brief of Sri R.P. Srivastava, learned counsel for the informant and Sri R.N. Srivastava, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.120 of 2025, under Sections 80(2), 85 BNS and Section 3/4 DP Act, Police Station Lotan, District Siddharth Nagar, during pendency of the trial.

4. Learned counsel for the applicant submits, however applicant is husband of the deceased but on the basis of false allegation he has been made accused in the present matter.

5. He next argued, actually after marriage another brother of the applicant started residing separately and after that deceased also started insisting to live separately, but applicant was not ready for the same and therefore, very often dispute arose between husband and wife and due to this very reason she committed suicide by hanging. He further submits, postmortem report also suggests, deceased died due to hanging.

6. He further argued, after unfortunate incident applicant informed the police and on his information inquest was conducted, and during inquest brother of the deceased was also present but FIR of the case was lodged

on 01.11.2025 i.e. after about five days and this facts suggests, FIR is based on false allegations.

6. He further argued, applicant is not having any other criminal history and in the present matter he is in jail since 02.11.2025 i.e. for last four and half months.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit that applicant is the husband of the deceased and his wife died within four years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of rupees one lakh, but they could not dispute the fact that deceased died due to hanging. They also could not dispute the fact that on the information given by applicant, inquest was conducted on 27.10.2025 and at the time of inquest brother of the deceased was present, but inspite of that FIR was lodged after five days.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, applicant is husband of the deceased and his wife died within four years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of rupees one lakh, but postmortem report suggests, deceased died due to hanging and therefore, possibility of suicide committed by deceased cannot be ruled out at this stage and reason of suicide disclosed by applicant in Paragraph No.-22 of the bail application also cannot be ruled out at this stage.

10. Further, from the inquest report it reflects, it was conducted on the information given by applicant and this shows bonafide of the applicant. Further even inquest report also suggests at the time of inquest brother of the deceased was present, but inspite of that FIR was lodged after five days.

11. Further, applicant is not having any criminal history and in the present matter, he is in jail since 02.11.2025 i.e. for last four and half months.

12. Further, law is settled that unless proven guilty an accused is deemed

to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant - **Durgesh** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

March 17, 2026

Ashish/-

(Sameer Jain,J.)