



2026:AHC:55280

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8261 of 2026

Mrityunjay Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Monu Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N.K.Sharma, learned AGA for the State-respondent.
2. The present bail application under Section 483 BNSS has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 270 of 2025, under Sections 85, 108, 352 BNS and Section 3/4 Dowry Prohibition Act, Police Station Patherwa, District Kushinagar during the pendency of trial.
3. Counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. The applicant was not named in the first information report lodged on 13.10.2025 with regard to the incident dated 11.10.2025. As per the first information report, there is no allegation against the applicant. In the statement of the informant under Section 180 BNSS, the applicant is alleged to have abused and misbehaved with the informant. According to the postmortem report, the cause of death is asphyxia as a result of ante-mortem hanging. Further, as per the allegations in the first information report and the material collected during investigation, the necessary ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant, in no manner,

abetted the commission of suicide by the deceased. In support of his submission, counsel for the applicant has placed reliance on the judgements of the Hon'ble Supreme Court in the cases of *Nipun Aneja and others Vs. State of Uttar Pradesh (Criminal Appeal No. 654 of 2017) decided on 03.10.2024* and *Abhinav Mohan Delkar Vs. The State of Maharashtra and others (Criminal Appeal Nos. 2177-2185 of 2024) decided on 18.08.2025*. The applicant is in jail since 13.10.2025 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. As per the first information report, there is no allegation against the applicant. In the statement of the informant under Section 180 BNSS, the applicant is alleged to have abused and misbehaved with the informant. Further, as per the allegations in the first information report and the material collected during investigation, the necessary ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than five months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Mrityunjay Sharma**, involved in the aforesaid case 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 subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 18, 2026
Lbm/-

(Vivek Varma,J.)