



2026:AHC:54660

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1109 of 2026**

Mubina

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Brahma Nand Tripathi, Pradyumn
Tripathi, Sanidhya Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Learned counsel for the applicant; and learned A.G.A. for the State are present.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 52 of 2025, under Sections 108, 351(2), 351(3), 352 of the B.N.S., 2023, Police Station-Basai Arela, District-Agra, with a prayer to enlarge her on anticipatory bail, till the conclusion of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He seeks anticipatory bail on the following grounds :-

i. The applicant is said to be wife of the deceased, who was having an affair with the co-accused Raju.

ii. As per the First Information Report (FIR), on the intervening night of 15/16.06.2025 at about 12:00 a.m., the applicant was talking to the co-accused Raju, who had gone to the house of the deceased. This was objected to by the deceased on which the applicant and the co-accused are said to have abused and humiliated the deceased, which allegedly led him to take the extreme step.

iii. Even if the FIR is taken at its face value, it does not disclose the

ingredients necessary to constitute the offence of abetment of suicide.

iv. The deceased is stated to have left a suicide note, which has been brought on record along with the counter affidavit. Though the same is partly illegible, it indicates that the applicant was allegedly having an affair with the co-accused and applicant and co-accused Raju were not listening to the deceased's pleas.

v. Even if the suicide note is to be taken at its face value, no offence under the relevant provisions is made out against the applicant.

vi. The applicant never had any affair with the co-accused Raju and absolutely false averments have been made in the First Informant Report.

vii. The applicant has no criminal antecedents and the co-accused Raju has been granted anticipatory bail by this Court vide order 27.02.2026 passed in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 10616 of 2025.

5. Learned A.G.A. has opposed the prayer for anticipatory bail, and has stated that the applicant is specifically named in the FIR and is also referred to in the suicide note. Therefore, it is contended that no relief may be granted to her.

6. I have considered the submissions made by the learned counsel for the parties and perused the material available on record.

7. The gist of the allegations which appears from the material on record is that the applicant was allegedly having an affair with the co-accused Raju, to which the deceased objected. It seems that due to this affair, the deceased took the extreme step.

8. In the opinion of this Court, *prima facie*, even if the allegations are taken at their face value, merely having an alleged affair with a man, would not constitute abetment, as defined under Section 45 of the B.N.S., and therefore, taking into account the fact that the applicant has no criminal antecedents and the co-accused Raju has been granted anticipatory bail by this Court, I deem it appropriate to enlarge the applicant on anticipatory bail.

9. The anticipatory bail application of the applicant is ***allowed***.

10. In the event of the arrest of the applicant- **Mubina**, involved in the aforesaid case crime, she shall be released on anticipatory bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

i. The applicant shall make herself available for interrogation by a police officer as and when required;

ii. 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;

iii. The applicant shall not leave India without the previous permission of the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

11. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the anticipatory bail granted to the applicant.

12. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 17, 2026
Kirti