



2026:AHC:57992

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8512 of 2026

Sandeep @ Sanju

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rakesh Kumar Verma
Counsel for Opposite Party(s)	: G.A., Subedar Mishra, Thakur Prasad Dubey

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shivaji Srivastava, learned Advocate holding brief of Sri Rakesh Kumar Verma, learned counsel for the applicant, Sri T.P. Dubey and Sri Subedar Mishra, learned counsels for informant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 309 of 2025, under Sections 80(2), 85, 115(2) BNS and Section 3/4 D.P. Act, Police Station Magorra, District Mathura during pendency of the trial.
3. 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. He further submits, actually deceased was having affair with some other person, therefore, she did not want to perform marriage with the applicant but unfortunately her marriage was performed against her wishes, therefore, within six months of her marriage she committed suicide by hanging.
4. He further submits, even marriage of the elder sister of the deceased was solemnized with the elder brother of the applicant and surprisingly she has also been made accused in the present matter only because she was also against the deceased as deceased due to above reason was not ready to perform her matrimonial duties and she also after her death tried to indicate the real fact to the informant i.e. her father.
5. He further submits, even in the statement recorded under Section 180

BNSS the elder sister of the deceased disclosed the fact that deceased wanted to perform marriage with some other person though her statement was recorded as one of the co-accused. He further submits, even post mortem report suggests that deceased died due to hanging.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 30.11.2025.

7. Per contra, learned AGA as well as learned counsel for informant vehemently opposed the prayer for bail and submit, applicant is husband of the deceased and his wife died within six months of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of torture in connection to demand of four wheeler and gold but they could not dispute the fact that deceased died due to hanging.

8. They also could not dispute the fact that marriage of elder sister of deceased was also performed with the elder brother of applicant and even she was also made accused in the present matter and though her statement was recorded by the Investigating Officer as co-accused but in her statement she also disclosed the fact that deceased wanted to perform marriage with some other person. They also could not dispute the fact that investigation of the case has been completed and charge-sheet has been filed and applicant is not having any criminal history and in the present matter he is in jail since 30.11.2025.

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

10. However, applicant is husband of the deceased and his wife died within six months of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of four wheeler and gold but post mortem report suggests that deceased died due to hanging, therefore, possibility of suicide committed by the deceased at this stage cannot be ruled out.

11. Further, record also suggests that marriage of the elder sister of the deceased was solemnized with the elder brother of applicant but surprisingly she has also made accused in the present matter and however her statement was recorded by the I.O. as co-accused but in her statement she also stated that deceased i.e. her younger sister wanted to perform marriage with other person, therefore, considering the overall facts and circumstances of the case, the reason of suicide disclosed by the applicant in the instant bail application at this stage cannot be ruled out. In view of this Court if husband

of the deceased in case of dowry death has come with probable defence then his bail application should not be withheld.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 30.11.2025.

13. 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.

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

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

16. Let the applicant - **Sandeep @ Sanju** 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.

17. 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.

18. 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 20, 2026
AK Pandey

(Sameer Jain,J.)