



2026:AHC:59561

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8589 of 2026

Shanti Devi @ Sonam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Pankaj Kumar Mishra, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 910 of 2024, S.T. No. 724 of 2025, under Sections 109, 103(1), 326(g) B.N.S., Police Station Chiluwatal, District-Gorakhpur.
3. Contention of learned counsel for the applicant is that the applicant is an innocent person and she has been falsely implicated in the present case. He further submitted that as per the allegation of the FIR, the co-accused Bechan initially poured some inflammable chemicals and thereafter locked the house from outside and set it to fire, as a result of which four persons died due to burning. He further submitted that the dying-in-declaration of the deceased as well as the statement of the Pappu were recorded, but none of them made any allegation against the applicant, and the allegation of pouring inflammable chemicals and locking the door from outside and setting the house to fire was made against co-accused Bechan. He further submitted that the applicant has been falsely implicated merely because of the fact that the applicant is the wife of co-accused Bechan. It is further submitted that though Munni Lal, who is father-in-law of the applicant, has made vague allegation that the applicant was also present with her husband Bechan, but as the Munni Lal was inside the house and was sleeping, as per his statement, then it was not possible for him to identify the actual culprit. He further submitted that it was Pappu who was sleeping outside the house

and he saw the actual culprit and made specific allegation against Bechan. He further submitted that the applicant is a lady and she has been falsely dragged into this case merely because of the fact that she is the wife of the co-accused Bechan. Applicant has no criminal history. The applicant is in jail since 24.12.2024. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, she will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. *Per contra*, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that applicant is a lady, the main role has been assigned to co-accused Bechan, and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs. Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

6. Let the applicant - **Shanti Devi @ Sonam** involved in the aforementioned crime be released on bail, on her 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 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 or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of

any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by her.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

March 23, 2026

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