



2026:AHC:9699

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5675 of 2025

Smt. Pushpa Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amit Saxena, Priya Saxena
Counsel for Opposite Party(s)	:	G.A., Mayank Maurya

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Sunil Vashisth, Advocate holding brief of Sri Amit Saxena, learned counsel for the applicant and Sri Mayank Maurya, learned counsel for the informant as well as Ms. Ifrah Islam, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 304 of 2024, under Sections 103(1), 61(2) of BNS, Police Station - Dataganj, District - Budaun**, during the pendency of trial.
4. As per prosecution story, the applicant, who happens to be the wife of the deceased, is stated to have raised an alarm claiming that her husband had committed suicide and was found hanging from the roof. Subsequently, it was found that the dead body was not suspended to the roof rather a rope was found lying nearby. It is alleged that the applicant, in collusion with the co-accused Mukesh, who is stated to be her paramour, committed the said offence.
5. Learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case merely on the basis of suspicion. She has no role whatsoever in the alleged offence as narrated in the FIR. It is further submitted that the FIR was lodged after an unexplained delay of about six days and there was no allegation or even an inkling of any offence against the applicant at the time of recording of the inquest proceedings.

6. Learned counsel has further submitted that the statement of the son of the applicant was recorded during investigation, wherein he has categorically allayed suspicion against the applicant although, he is not an eye-witness to the occurrence. It is also not disputed that the deceased has expired and the cause of death, as per the post-mortem report, is asphyxia as a result of *ante-mortem* strangulation.

7. Learned counsel has next contended that the applicant is languishing in jail since 25.7.2024, having no criminal history to her credit. In case, the applicant is released on bail, she will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that the applicant is the main accused and in collusion with co-accused Mukesh, has committed the said offence by causing the murder of her husband. However, they could dispute the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, delay in lodging the FIR and also considering the circumstances that there being no name of the applicant in the inquest report, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Smt. Pushpa Devi**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

12. It is made clear that observations made in granting bail to the applicant

shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 14, 2026
Siddhant

(Krishan Pahal,J.)