



2026:AHC:53776

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 8956 of 2026**

Vinay

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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|-------------------------------|---|-------------------------|
| Counsel for Applicant(s)      | : | Rakesh Kumar Srivastava |
| Counsel for Opposite Party(s) | : | G.A.                    |

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**Court No. - 67**

**HON'BLE SAMEER JAIN, J.**

1. Heard Sri Rakesh Kumar Srivastava, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.168 of 2025, under Sections 85, 80(2) of BNS and Section 3/4 DP Act, Police Station Dankaur, District Gautam Budh Nagar, 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.
4. He further argued, actually after marriage very often deceased used to visit her paternal home and therefore dispute very often arose between husband and wife and therefore their matrimonial relationship was not cordial and just before the alleged incident deceased though returned from her paternal home but again she was ready to go there but this time applicant strongly resisted and therefore serious quarrel took place between both of them and in rash she committed suicide by hanging. He next submits, even postmortem report suggests, deceased died due to hanging.
5. He further argued, the fact that after marriage deceased frequently visited her paternal home and there was matrimonial discord between husband and wife is even evident from the statements of the independent witnesses recorded during investigation which have been annexed at

page-137 onward of the paper-book.

6. He next submits, applicant is not having any other criminal history and in the present matter he is in jail since 10.07.2025 i.e. for last more than 8 months.

7. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

9. However, applicant is husband of the deceased and his wife died within five years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of a Fortuner four wheeler but postmortem report suggests, deceased died due to hanging therefore possibility of suicide committed by the deceased at this stage cannot be ruled out and considering the statements of the independent witnesses recorded during investigation the reason of suicide disclosed by learned counsel for the applicant during course of argument also cannot be completely brushed aside at this stage.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 10.07.2025 i.e. for last more than 8 months.

11. 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.

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

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

14. Let the applicant - **Vinay** 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.

15. 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.

16. 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.

**(Sameer Jain,J.)**

**March 17, 2026**

Shahroz