



2026:AHC:54951

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9254 of 2026

Vipin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohit Sharan Tomar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Rohit Sharan Tomar, learned Advocate, holding brief of Sri Mohit Sharan Tomar, learned counsel for the applicant and Sri Vijay Kumar, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.940 of 2024, under Sections 80(2) and 85 BNS and Section 3/4 Dowry Prohibition Act, Police Station Baradari, District Bareilly during pendency of the trial.
3. Learned counsel for the applicant submits that however, applicant is the husband of the deceased but on the basis of false allegation he has been made accused in the present matter.
4. He further argued that actually deceased was not only short tempered lady but she was also having suicidal tendency and even before marriage she tried to commit suicide and after marriage also very often she became hyper and on the date of incident again on minor issue she became hyper and committed suicide by hanging. He next submits that even post mortem report of the deceased suggests that she died due to hanging.
5. He further submits that even during trial informant of the case, i.e., brother of the deceased during cross examination did not support the prosecution case and even according to him, deceased was short tempered lady and she was having suicidal tendency and statement of the informant recorded during trial has been annexed along with the instant bail application.

6. He further submits that apart from the present case applicant is not having any previous criminal history and in the present matter he is in jail since 29.9.2024, i.e.,for almost one and half years.

7. Per contra, learned AGA although opposed the prayer for bail but could not dispute the argument on facts advanced by the 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 the husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home and there was also allegation of torture in connection to demand of dowry but during trial informant of the case, i.e, brother of the deceased in his cross examination did not support the prosecution case and categorically stated that applicant and his family members never tortured her for demand of dowry and also stated that deceased was having suicidal tendency and due to this reason she committed suicide.

10. Further, even post mortem report of the deceased suggests that she died due to hanging

11. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 29.9.2024,i.e.,for almost one and half years.

12. 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 purposes.

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

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

15. Let the applicant-**Vipin** 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.

16. 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.

17. 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 18, 2026

SKM