



2026:AHC:55330

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9259 of 2026

Adarsh Patel

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aniruddh Patel, Santosh Kr. Singh
Paliwal

Counsel for Opposite Party(s) : G.A., Ram Kumar Dubey

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of the postmortem report produced by learned AGA, is taken on record.
2. Heard learned counsel for the applicant, Sri Ram Kumar Dubey, counsel for the informant and Sri N.K.Sharma, learned AGA for the State-respondent.
3. The present bail application under Section 483 BNSS has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 25 of 2026, under Sections 61(2), 108, 351(3) BNS, Police Station Tharwai, District Prayagraj during the pendency of trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 01.02.2026. The first information report was lodged on 06.02.2026. The delay is fatal to the prosecution case. Prior to lodging of the first information report, the sister of the deceased submitted an application before the concerned police station stating that the deceased was not mentally sound and had left the house on 01.02.2026 at 16:30 hours and subsequently her dead body was found on the railway track. The version set out in the said application materially contradicts the allegations later introduced in the FIR. No obscene photograph or any indecent video of the victim was recovered by the Investigating Officer. Further, as per the postmortem report, the cause of death is hemorrhagic shock as a result of ante-mortem injuries.

Moreover, as per the allegations in the first information report and the material collected during investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant, in no manner, abetted the commission of suicide by the deceased. In support of his submission, counsel for the applicant has placed reliance on the judgements of the Hon'ble Supreme Court in the cases of *Nipun Aneja and others Vs. State of Uttar Pradesh (Criminal Appeal No. 654 of 2017) decided on 03.10.2024* and *Abhinav Mohan Delkar Vs. The State of Maharashtra and others (Criminal Appeal Nos. 2177-2185 of 2024) decided on 18.08.2025*. The applicant is in jail since 07.02.2026 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA and the counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information report has been lodged belatedly. The version set out in the application submitted by the sister of the deceased materially contradicts the allegations later introduced in the FIR. As per the allegations in the first information report and the material collected during investigation, the essential ingredients to constitute the offence under Section 108 B.N.S. are not made out. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Adarsh Patel**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

March 18, 2026

Lbm/-