



2026:AHC:56221

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9344 of 2026

Aniket

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shailesh Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shailesh Kumar Shukla, learned counsel for the applicant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 320 of 2025, under Sections 80(2), 85, 91 BNS and Section 3/4 D.P. Act, Police Station Deoband, District Saharanpur 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 submits, actually deceased was suffering with Fits, therefore, she was under depression and only due to her illness she consumed insecticide and died and even viscera report suggests that deceased died due to consumption of Organo Phosphorus Insecticide.
5. He further submits, even during trial parents of the deceased did not support the prosecution case and they have been declared hostile and their statements recorded before the trial court have been annexed along with instant bail application.
6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 25.05.2025 i.e. for last almost ten months.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument 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 two and half years of her marriage under abnormal circumstances in her matrimonial home and there was also allegation of torture and demand of dowry but it reflects, during trial parents of the deceased did not support the prosecution case and have been declared hostile.

10. Further, considering the viscera report of the deceased, the possibility of suicide committed by the deceased at this stage cannot be ruled out. Further, in the FIR specific demand of dowry has not been disclosed.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 25.05.2025 i.e. for last almost ten months.

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 purpose.

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 - **Aniket** 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.

March 19, 2026
AK Pandey

(Sameer Jain,J.)