



2026:AHC:4716

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43531 of 2025

Omwati

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Meraj Ahmad Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard learned counsel for the applicant, Sri R.P. Singh, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 295 of 2025, under Sections 103(1), 332B, 115(2), 118(1), 3(5) B.N.S., Police Station Baniyather, District Sambhal, during the pendency of trial.
4. As per prosecution story, the applicant armed with a danda alongwith co-accused person is stated to have stabbed the deceased person causing his death on 7.9.2025 at about 9.00 pm.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about four hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that The deceased has sustained only one stabbed wound in the abdomen which has been assigned to the co-accused person. The applicant has only been assigned the role of carrying a danda. There is no injury sustained by the deceased with the said weapon, as such, the applicant is entitled for bail. There is no criminal history of the applicant. The applicant is languishing in jail since 9.9.2025 and she is ready to cooperate with trial. In case, the applicant is

released on bail, she will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in lodging the FIR and the fact that no injury has been sustained by the deceased with the weapon carried by the applicant and without expressing any opinion on the merits of the case, *prima facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Omwati**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

11. 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.

(Krishan Pahal,J.)

January 8, 2026
Shalini