



2026:AHC:56140

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9093 of 2026

Jitendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Danish
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Mohammad Danish, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.218 of 2024, under Sections 498A, 304B IPC and Section 3/4 DP Act, Police Station Bilari, District Moradabad, 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 deceased was short tempered lady and very often she used to quarrel on minor issues and on the date of incident again such minor issue arose between husband and wife due to the reason that she indulged on mobile conversation and thereafter in rash she committed suicide by hanging. He next submits, even postmortem report suggests, deceased died due to hanging.
5. He next submits, applicant is not having any other criminal history and in the present matter he is in jail since 21.04.2024 i.e. for last almost two years.
6. 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.

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

8. 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 is also allegation of torture in connection to demand of dowry but postmortem report suggests, deceased died due to hanging therefore possibility of suicide committed by the deceased at this stage cannot be ruled out.

9. Further, even from the FIR it reflects, it is based on vague allegation of demand of dowry as it has not been mentioned in the FIR that what was the demand of dowry. Further, applicant is not having any criminal history and in the present matter he is in jail since 21.04.2024 i.e. for last almost two years.

10. 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.

11. Therefore, considering the facts and circumstances of the case discussed above including the fact that applicant is in jail for last almost two years, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant - **Jitendra** 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.

14. 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.

15. 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