



2026:AHC:56850

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9465 of 2026

Monti Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Puneet Kumar, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 108 of 2023, under Sections 498A, 304B, 506 IPC and Section 3/4 D.P. Act, Police Station Biharigarh, District Saharanpur during pendency of the trial.

3. Learned counsel for the applicant submits, applicant is however husband of the deceased but on the basis of false allegation he has been made accused in the present matter. He further submits, it is a case in which however deceased died within one month of her marriage but from the post mortem report it reflects, she committed suicide as according to post mortem she died due to hanging.

4. He further submits, it is highly improbable that immediately after marriage applicant and his family members started torturing the deceased for want of dowry at such extent that within a month she had to commit suicide.

5. He further submits, actually marriage of the deceased was solemnized with the applicant against her wishes and she did not want to perform marriage with the applicant and only due to this reason after marriage she was under depression and she did not even perform her matrimonial duties and therefore very often dispute arose between husband and wife and only due to this reason she committed suicide within a month of her marriage.

6. He further submits, even from the statement of Smt. Shailendri who was

mediator of marriage and was the real Mausi of the deceased it reflects, at the time of marriage there was no dispute with regard to demand of dowry and this fact again suggests that it is not a case of dowry death.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 11.06.2025 i.e. for last more than eight months.

8. Per contra, learned AGA opposed the prayer for bail and submits, applicant is husband of the deceased and his wife died within a month of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of torture in connection to demand of dowry but could not dispute the fact that post mortem report of the deceased suggests that deceased died due to hanging. Learned AGA further could not dispute the fact that applicant is not having any criminal history and in the present matter he is in jail since 11.06.2025 i.e. for last more than eight months.

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

10. However, applicant is husband of the deceased and his wife died within a month of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of torture in connection to demand of four wheeler but considering the post mortem report of the deceased, the possibility of suicide committed by the deceased at this stage cannot be ruled out and considering the short duration of marriage, the reason of suicide disclosed by the applicant in the instant bail application also cannot be brushed aside at this stage.

11. Further, even from the statement of mediator of marriage who was even real Mausi of the deceased it reflects, at the time of marriage there was no dispute with regard to demand of dowry.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 11.06.2025 i.e. for last more than eight months.

13. 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.

14. Therefore, considering the facts and circumstances of the case discussed

above, in my view, applicant is entitled to be released on bail.

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

16. Let the applicant -**Monti Kumar** 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.

17. 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.

18. 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.)