



2026:AHC:58402

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9558 of 2026

Brajesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dalvir Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dalvir Singh, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.70 of 2025, under Sections 85 and 80(2) BNS and Section 3/4 Dowry Prohibition Act, Police Station Pilua, District Etah during pendency of the trial.

3. Learned counsel for the applicant submits that however, applicant is husband of the deceased but on the basis of the false allegation he has been made accused in the present matter.

4. He further argued that actually deceased was having doubt that applicant developed illicit relationship with the neighbor Manju and only due to this reason she committed suicide by hanging and the fact that there was illicit relationship between applicant and her neighbor is even evident from the statement of the brother of the deceased, namely, Rahul recorded during investigation which has been annexed along with the instant bail application. He next submits that post mortem report of the deceased also suggests that she died due to hanging.

5. He further argued that even after unfortunate incident informant side was informed and on information they arrived and participated in the inquest in the night of 23/24.7.2025 and after about eight days, i.e., 31.7.2025, informant lodged FIR of the present case and this fact clearly suggests that on the basis of false allegation informant lodged FIR of the

present case and actually it is not the case of dowry death.

6. He further argued that applicant is not having any previous criminal history to his credit and in the present matter he is in jail since 7.9.2025, i.e., for the last more than six months.

7. Per contra, learned AGA although opposed the prayer for bail but could not dispute the argument on facts advanced by the 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 is also allegation of torture with regard of demand of Buffalo, four wheeler and Rs. Two Lacs but post mortem report of the deceased suggests that she died due to hanging and, therefore, possibility of suicide committed by deceased cannot be ruled out at this stage and considering the statement of the brother of the deceased recorded during investigation the reason of suicide disclosed by learned counsel for the applicant during the course of argument can also not be ruled out at this stage.

10. Further, it reflects that however, informant was present at the time of inquest which was conducted in the night of 23/24.7.2025 but FIR of the present case was lodged on 31.7.2025, i.e., after more than one week.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 7.9.2025, i.e., for the last more than six 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-**Brajesh 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.

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.

(Sameer Jain,J.)

March 20, 2026

SKM