



2026:AHC:62603

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2914 of 2026**

Pooja

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashutosh Krishna, Saurabh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant; and learned A.G.A. for the State.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 284 of 2025, under Section 108 of the B.N.S., 2023, Police Station – Kotwali, District Budaun, with a prayer to enlarge him on anticipatory bail, till the conclusion of the trial.
3. The learned counsel for the applicant states that the applicant has been falsely implicated in the present case and seeks anticipatory bail on the following grounds :-
4. It has been submitted by the learned counsel for the applicant that applicant is innocent and she has apprehension of arrest in the above-mentioned case, whereas there is no credible evidence against her. Allegations levelled against the applicant are false. Investigation is going on in the matter. It is further submitted that the prosecution story as revealed in the FIR is not plausible and natural at all. It is also submitted that in the contents of the FIR it has been mentioned that the wife of the deceased namely Durga was residing at Delhi whereas in the column of array of accused persons it has been shown that Durga was residing at Budaun where the deceased was himself at Budaun. It is further submitted that even from the contents of the audio clip, which was allegedly prepared by the deceased, no role of any kind of instigation or abetment to commit suicide comes into light on the part of the present accused. It is further submitted that essential ingredients to constitute an offence under Section 108 BNS are completely missing in this case. It is further submitted that in the audio clip, the

allegations have been made by the deceased against his own family members and particularly his mother, who is the informant of this case. It is further submitted that the prosecution at this stage has failed to show any abetment or instigation which was made by the the present accused-applicant to the deceased that he had no option left but to commit suicide. It is further submitted that the present accused is the sister-in-law of the deceased and she has nothing to do with the family affairs pertaining to the deceased or his wife Durga. Similarly situated co-accused, Lalita, who is also the sister-in-law of the deceased, has been granted anticipatory bail by this Court vide order dated 28.01.2026 in NA Bail No.10829 of 2025. It is further submitted that the applicant is a lady having no criminal antecedents to her credit. In case applicant is granted anticipatory bail, she is ready and willing not to misuse the liberty of bail and to obey all conditions of bail.

5. Learned A.G.A. opposed the prayer for anticipatory bail. He has impressed upon the contents of the audio clip which has been taken by the prosecution as a suicide note and on the basis thereof it has been vehemently argued that the commission of the suicide by the deceased was a result of instigation and abetment on the part of all the named accused persons including the present accused applicant.

6. In **Gurcharan Singh v. State of Punjab, (2017) 1 SCC 433** the Hon'ble Apex Court held that the basic ingredients of Section 306 IPC are suicidal death and abetment thereof. To constitute abetment, intention and involvement of accused to aid or instigate commission of suicide is imperative. Any severance or absence of any of these constituents would militate against said indictment. Remoteness of culpable acts or omissions rooted in intention of accused to actualise the suicide would fall short of offence of abetment essential to attract Section 306 IPC. Contiguity, continuity, culpability and complicity of indictable acts or omission are concomitant indices of abetment. Section 306 IPC thus criminalises sustained incitement for suicide.

7. In **M. Arjunan v. State, (2019) 3 SCC 315** the Hon'ble Apex Court held that insulting deceased by using abusive language will not, by itself, constitute abetment of suicide. There should be evidence capable of suggesting that accused intended by such act(s) to instigate deceased to commit suicide. Unless ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC.

8. In Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

9. In Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

10. Taking into account all the above mentioned facts and circumstances, and the law on the point, *prima facie*, an offence of abetment as defined under Section 45 of the B.N.S. is not made out against the applicant. Similarly situated co-accused Lalita has been granted anticipatory bail by this Court and the applicant has no criminal antecedents. I, therefore, deem it appropriate to enlarge the applicant on anticipatory bail.

11. The anticipatory bail application of the applicant is **allowed**.

12. In the event of the arrest of the applicant- **Pooja**, involved in the aforesaid case crime, she shall be released on anticipatory bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court

concerned, with the following conditions:-

- i. The applicant shall make herself available for interrogation by a police officer as and when required;
- ii. The applicant shall not, directly or indirectly make any 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 to any police officer;
- iii. The applicant shall not leave India without the previous permission of the Court;
- iv. The applicant shall not pressurize/intimidate the prosecution witness;

13. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

14. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

March 25, 2026
Kushal

(Rajiv Lochan Shukla,J.)