



2026:AHC-LKO:22619

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1223 of 2026

Jugara

.....Applicant(s)

Versus

The State Of U.P. Thru. Prin. Secy. Deptt. Home
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shivam Srivastava, Mohit Singh, Rahul
Kumar Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. By means of this application preferred under Section 483 BNSS, the applicant, who is involved in Case Crime No. 0363 of 2025, under Sections 80(2), 85 BNS (corresponding Section 304-B and 498-A IPC) & 3/4 Dowry Prohibition Act, Police Station- Paraspur, District Gonda is seeking enlargement on bail during the trial.
3. Brief facts of the present case are that an FIR dated 18.08.2025 has been lodged under Sections 85, 80(2) of BNS, 2023 and Section 3/4 of Dowry Prohibition Act against five accused persons including the present applicant alleging therein that the daughter of the informant was married to named accused in the FIR- Nand Kumar and they are having a daughter from the wedlock. On 17.08.2025, they had killed his daughter for dowry demand by beating her badly.
4. Learned counsel for the applicant has submitted that the applicant is mother in law of the deceased and she has falsely been implicated in the present case. The marriage of the deceased was solemnized on 15.06.2019 with her son- Nand Kumar as per the Hindu rites and rituals. After about six years of marriage, she has committed suicide which could be gathered from the post mortem report wherein the cause of death is shown as 'asphyxia due to ante mortem hanging' and there were no other injuries found on the body of the deceased which falsifies the allegations made in the FIR that she was beaten badly by the accused persons including the present applicant.
5. It is further submitted that all the family members have been implicated in the present case by making similar allegation against everyone except some allegations against the male family members and the Hon'ble Supreme Court has deprecated such a practice for lodging an FIR against all the family

members in the matrimonial matter in the case of **Geeta Mehrotra and Ors vs. State of U.P. and Ors. [(2012) 10 SCC 741]**

6. It is further submitted that it is a case of suicide and the Hon'ble Supreme Court in the case of **Mangat Ram vs. State of Haryana** passed in Criminal Appeal No. 592-SB of 1997, decided on 27.05.2008 (P & H) has held that there are several cause or reasons for a woman to commit suicide.

7. It is further submitted that considering the judgment of Hon'ble Supreme Court in the case of **Gurcharan Singh vs. State of Punjab [(2020) 10 SCC 200]** and **Geo Varghese vs. State of Rajasthan and Another [(2021) SCC Online SC 873]**, the applicant is entitled for bail.

8. It is further submitted that the applicant has no criminal history and she is in jail since 20.09.2025.

9. It is further submitted that the co-accused person namely Shayam Kumar (Dewar) has approached this Court by filing Criminal Misc. Bail Application Nos. 1881 of 2026 in which a co-ordinate Bench of this Court has granted bail by passing order dated 17.03.2026. The copies of the bail order has been provided during the course of argument, which is taken on record. The role assigned to the present applicant and the aforesaid co-accused person, to whom bail has been granted is almost the same and the applicant is entitled for bail on the ground of parity of bail granted to the Shayam Kumar (Dewar).

10. Learned AGA on the basis of instructions received opposes the prayer for bail but unable to dispute the submission made by learned counsel for the applicant factually as well as on the basis of the law laid down by Hon'ble Supreme Court and also unable to oppose the parity claimed by the applicant with the bail granted to Shayam Kumar by a co-ordinate Bench of this Court.

11. After hearing learned counsel for the respective parties and going through the record of the case, prima facie, it appears that almost the allegations made appears to be general and omnibus and all family members have been implicated in the matrimonial matter except the death due to ante mortem hanging there is no injury inflicted upon the body of the deceased.

12. Prima facie, it is found that it is a fit case for grant of bail to the applicant. Accordingly, the instant bail application is allowed.

13. Let the applicant- Jugara be released on bail in the aforesaid case crime number on her 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 will cooperate with the prosecution during trial.

(ii) The applicant will not tamper with the evidence during trial.

(iii) The applicant will not pressurize/intimidate the prosecution witness(es).

(iv) The applicant shall not commit an offence.

(v) 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 her from disclosing such facts to the court or to any police officer or tamper with the evidence.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

14. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

15. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

(Manish Kumar,J.)

March 31, 2026

Nitesh