



2026:AHC-LKO:19163

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1921 of 2026

Mohd. Tauhid

.....Applicant(s)

Versus

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

.....Opposite Party(s)

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

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. On a query being put, the learned AGA submitted that he has complete instructions in the matter and is ready to argue the case on merits, as such the Court proceeded to hear the instant application seeking bail.

2. Heard learned counsel for the applicant, the learned AGA for the State and perused the record.

3. The present bail application has been filed by the applicant in relation to FIR/Case Crime No. 433 of 2025, under Section- 108 B.N.S. akin to Section 306 IPC (now repealed), Police Station- Raniganj, District-Pratapgarh.

4. While pressing the present application, the learned counsel for the applicant stated that the applicant, who is having no criminal history and is languishing in jail since 06.12.2025, is innocent and has falsely been implicated in the instant case.

5. It is further stated that the learned Sessions Court, vide order dated 20.02.2026, has declined to enlarge the applicant on bail and therefore, the present application has been filed before this Court.

6. It is further stated that the present case is purely a case of suicide and as per the judgment passed by the Hon'ble Apex Court in the case of **Mangat Ram v. State of Haryana, Criminal Appeal No. 592-SB of 1997, decided on 27-5-2008 (P&H)**, "A woman may attempt to commit suicide due to various reasons, such as, depression, financial difficulties, disappointment in love, tired of domestic worries, acute or chronic ailments and so on and need not be due to abetment".

7. It is further stated that considering that it is case of suicide and the observations made by the Hon'ble Apex Court in the case(s) of **Gurcharan Singh v. State of Punjab, (2020) 10 SCC 200** and **Geo Varghese v. State of Rajasthan and Another, (2021) SCC Online SC 873**, the applicant is entitled to bail.

8. Based upon the observations made by the Hon'ble Apex Court in the

judgment dated 05.03.2024 passed in the case of **Prabhat Kumar Mishra Alias Prabhat Mishra vs. State of U.P. and another, (2024) 3 SCC 665**, it is also stated that only based upon the suicide note, the judgment of conviction cannot be passed and for convicting an accused under Section 108 B.N.S., the prosecution is under obligation to prove essential ingredients indicated under Section 108 B.N.S.

9. It is also stated that the presumption against the applicant is rebuttable, and it is for the prosecution first to establish its case so as to attract the aforesaid statutory provision.

10. It is submitted that considering aforesaid considering the aforesaid facts and also that it is a case of suicide and also the observations made by the Hon'ble Apex Court in various pronouncements including the judgments, referred above, the applicant is entitled to be released on bail. In case of being enlarged on bail, he will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

11. Learned A.G.A. opposed the prayer of the applicant, however, he could not dispute the above contentions made by the applicant's counsel.

12. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents and also the judgments, referred above, and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, allowed.

13. Let the applicant- **Mohd. Tauhid** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties, out of which one should be of family member/close relative, each of the like amount to the satisfaction of the court concerned subject to 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 him 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 observation made in this order.

March 17, 2026

Jyoti/-

(Saurabh Lavania,J.)