



2026:AHC:19029

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45824 of 2024

Deepa @ Neha

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Arun Kumar Tiwari, Kaushlendra Singh, Raghvendra Kumar Pal, Rashmi Singh

Counsel for Opposite Party(s) : Agni Pal Singh, G.A., Pratima Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the informant is not present.
2. Heard Sri Sarvesh Kumar Pandey, Advocate holding brief of Sri Kaushlendra Singh, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.208 of 2024, under Section 103(1) B.N.S., 2023, Police Station Shivli, District Kanpur Dehat, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is a lady and is languishing in jail since 05.07.2024, as such, the period of incarceration is more than one and a half years. She has been made an accused on the basis of suspicion only. There is no ocular evidence whatsoever. The most probable witnesses would have been the two children of the applicant, who have been withheld and not even been examined by the Investigating Officer, as such, it is a clear-cut case of false implication.
5. Learned counsel for the applicant has further argued that the trial is moving at a snail's pace as only three witnesses have been examined to date, but none of them is an eye-witness. There is no likelihood of conviction of the applicant in the instant case. There is no criminal history of the applicant. She is ready to cooperate with trial. In case, she is released on bail, she will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not disputed the submissions made by the counsel for the applicant.

7. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 03.12.2025, three witnesses have been examined.

8. The Supreme Court in the case of ***Nitish Chauhan vs. State of U.P., AIR 2023 SC 2149***, has granted bail to the appellant therein on the ground that the appellant has been in custody for nearly two years four months and only two witnesses had been examined out of twenty six prosecution witnesses.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the applicant is a lady and is incarcerated for more than one and a half years, and without expressing any opinion on the merits of the case, *prima facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Deepa @ Neha**, who is involved in aforementioned case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 28, 2026
(Ravi Kant)