



2026:AHC:19139

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2700 of 2026

Varsha

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dilip Kumar Pandey, Saurabh Pandey
Counsel for Opposite Party(s) : G.A., Medha, Vijay Shantam

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Saurabh Pandey, learned counsel for the applicant, Sri Vijay Shantam, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.485 of 2025, under Sections 103(1), 61(2) B.N.S., Police Station- Dibai, District- Bulandshahar, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the said offence. The applicant is not named in the FIR and her name has come up subsequently three months after the incident in an application moved by the informant on 11.10.2025 in which he has stated that the applicant alongwith her paramor Gaurav had committed the said offence of murder as the applicant carried motive as she wanted to marry her younger sister to the deceased person.
5. It is further argued by learned counsel for the applicant that the said application dated 11.10.2025 is hit by Section 181 BNSS and cannot be taken into account as the said application was moved as an afterthought. There is no cogent or direct evidence against the applicant except motive whereby the applicant is stated to have threatened the in-laws of the deceased person of dire consequences. There is no criminal antecedent of the

applicant. The applicant is languishing in jail since 23.10.2025 and she is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of bail.

6. Per contra, learned counsel for the applicant and learned A.G.A. have vehemently opposed the bail application on the ground that the complicity of the applicant is but evident from the fact that she had regular conversation with co-accused person Gaurav. The said conversations took place 34 times and the location of the mobile of applicant and Gaurav has been found near the place of occurrence. The said tower location indicates that they both were within the vicinity of place of occurrence.

7. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

8. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.***

9. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

10. Learned A.G.A. could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

11. 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 applicant is not named in the FIR and her name

has come up subsequently three months after the incident, 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***.

12. Let the applicant- **Varsha**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.
- (iv) The applicant shall be present in the police station concerned on the 1st Monday of every month.

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

14. 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
Vikas Verma