



2026:AHC:124868

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18136 of 2026

Brajesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Balbeer Singh, learned counsel for the applicant, Sri Himanshu Kumar, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.575 of 2025, under Sections-85, 103(1), 238 of BNS, 2023, Police Station-Shahganj, District-Agra, during the pendency of the trial.

3. The contention of learned counsel for the applicant is that the applicant is the husband of the deceased, and the allegation is that the applicant, along with other family members, murdered the deceased due to non-fulfillment of dowry demands. It is further submitted that, from a bare perusal of the statement of the daughter of the deceased, it is clear that the deceased herself committed suicide by hanging, and as soon as the other family members came to know of it, they immediately rushed her to a doctor, who declared her dead. It is further submitted that, as per the statement of the daughter of the deceased, the applicant was not present in the house at the time of the incident and has been falsely implicated. It is also submitted that co-accused Chhotu, who is the brother-in-law of the deceased, and Pappu @ Deshraj, have already been released on bail by a Coordinate Bench of this Court in Criminal Misc. Bail Application Nos. 3182 of 2026 and 7159 of 2026, vide orders dated 17.03.2026 and 01.04.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity, as there is no incriminating material against him. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of

custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 01.11.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

6. Let the applicant- **Brajesh**, involved in the aforementioned crime be released on bail, on his 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 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be

verified by the court concerned before the bonds are accepted.

9. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Agra Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

June 3, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)