



2026:AHC:125289

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18267 of 2026

Yogendra @ Vishnu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rakesh Kumar Pandey, learned counsel for the applicant and Sri Surendra Singh, 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. 114 of 2025, under Sections 108, 85 BNS, Police Station Godha, District Aligarh, during the pendency of the trial.
3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is submitted that the marriage of the deceased with the applicant was solemnized in the year 2017 and the alleged incident has taken place in the year 2025 that is after about 08 years and general allegation of demand for dowry has been levelled against the applicant and co-accused Guddi Devi and the FIR has been lodged after delay of 02 days. It is further submitted that as per post-mortem report cause of death could not be ascertained and viscera has been preserved and as per viscera report, organic chloride insecticide has been found in the body of the deceased. It is further submitted that no proximate date and time of the act has been alleged in the FIR or in the statement of the witnesses. It is further submitted that the applicant is having no criminal history. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant has been languishing in jail since

24.9.2025. 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, however, it is submitted that the applicant and co-accused used to torture and harass the deceased in connection with demand for dowry and on the date of incident he came to his house in drunken state and assaulted the deceased and thereafter the deceased committed suicide.

5. Initially FIR has been lodged under Sections 85, 103(1) BNS, however, during investigation case was converted into Sections 85 and 108 BNS and as per FIR, the deceased (wife of the applicant) is said to have died under the circumstances other than normal and in the post-mortem report of the deceased the cause of death could not be ascertained and viscera has been preserved and as per viscera report organic chloride insecticide has been found on the body of the deceased. General allegations have been levelled against the applicant and co-accused that they used to torture and harass the deceased in connection with demand of dowry. There is no mention of proximate time and date in the FIR or in the statement of the witnesses.

6. 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.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant- **Yogendra @ Vishnu** 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.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal 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.

(Jitendra Kumar Sinha,J.)

June 4, 2026
Abhishek