



2026:AHC:124528

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18925 of 2026

Smt Sudha @ Atawari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jitendra Singh, Premnendra Singh
Counsel for Opposite Party(s)	:	G.A., Hanuman Prasad Kushwaha

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Jitendra Singh, learned counsel for the applicant and Shri G.P. 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. 18 of 2021, under Sections 498A, 306 IPC, & 3/4 DP Act, Police Station Mahrauni, District Lalitpur, 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 further submitted that as per the FIR, the only general allegation has been leveled against the applicant, the applicant was granted anticipatory bail by this Court for the period of 45 days or till the submission of police report whichever is earlier on 19.03.2021. However the applicant did not appear before the learned trial court and the non-bailable warrant and process of procure were issued against her. Thereafter the applicant was arrested she is languishing in jail since 29.04.2026. In the postmortem report of the deceased the cause of death has been found is asphyxia due to antimortem hanging, the applicant is ready to 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. As per the FIR, only general allegation has been leveled against the

applicant, the applicant was granted anticipatory bail by this Court for the period of 45 days or till the submission of police report whichever is earlier on 19.03.2021. However the applicant did not appear before the learned trial court and the non-bailable warrant and process of procure were issued against her.

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- **Sudha Atwari** 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 1, 2026

Priyanka