



2026:AHC:125911

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19103 of 2026

Harivanshlal @ Kundan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Adarsh Dwivedi, Devdatt,
Mayank Krishna Singh
Chandel, Vinod Kumar
Chandel

Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Vinod Kumar Chandel, learned counsel for the applicant, Sri Roshan Kumar 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 during the trial in Case Crime No.0022 of 2026, under Section 108 of B.N.S., Police Station-Chilla, District- Banda.
3. Contention of learned counsel for the applicant is that applicant has been falsely implicated, though, there is no such photo (nude) in the mobile of the applicant which has been mentioned in the statement of the first informant and other witnesses and police has not found any chat or objectionable photo in the mobile of the applicant. It is further submitted that actually the applicant and deceased were in relationship and when the parents of the deceased came to know about the relationship, then they scolded the deceased, thereafter the applicant stopped talking with the deceased and for that reason the deceased committed suicide, therefore, the applicant has

not committed any offence. Applicant has no criminal history. The applicant is in jail since 17.02.2026. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail and submitted that nude photo of the deceased was not recovered from the mobile of the applicant and there is no CDR showing conversion between the applicant and the deceased, also the fact that the mobile phone of the applicant was not sent to FSL to ascertain whether any nude photo of the deceased was deleted from the said mobile.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account the allegation of continuous harassment on the basis of nude photo is not a sufficient ground to implicate the applicant, also the fact that the mobile phone of the applicant as well as the deceased was not sent for FSL, neither any CDR was collected, and considering the 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** 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 bail application is **allowed**.

6. Let the applicant- **Harivanshlal @ Kundan** 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. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is 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 concerned 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.

12. From perusal of the record, it appears to be a gross negligence on part of the Investigating Officer in conducting the inquiry as he neither sent the mobile of the applicant for FSL to recover any nude photo nor any CDR of the mobile phone of the deceased as well as the applicant was recovered to determine the conversation held between them prior to the incident in question.

13. Therefore, the Senior Superintendent of Police, Banda is directed to conduct an inquiry against the Investigating Officer and take appropriate action against the him.

14. The **Registrar (Compliance)** is directed to send a copy of this order to the Senior Superintendent of Police, Banda for its due compliance.

June 5, 2026

CS/-

(Arun Kumar Singh Deshwal,J.)