



2026:AHC:128509

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19846 of 2026

Geeta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Deepak Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Saurabh Kesarwani

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Deepak Kumar Pandey, learned counsel for the applicant, Sri Pranjal Chaudhary, Advocate holding brief of Sri Saurabh Kesarwani, learned counsel for the informant and the learned A.G.A. for the State of U.P.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 176 of 2026 under Section 108 of B.N.S. Police Station- Chhatari, District- Bulandshahar.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the alleged incident had taken place in the afternoon of 09.05.2026, whereas the F.I.R. was lodged on 10.05.2026 at 20:52 hours. Prior to lodging of F.I.R., the inquest report was prepared on 09.05.2026 at 17:30 hours. Thereafter, post-mortem report was prepared on 09.05.2026. By that time, no F.I.R. was lodged by the informant. The F.I.R. was lodged after due consultation and deliberation. As per post-mortem report, cause of death of deceased was cardio pulmonary arrest, however the viscera was preserved. The prosecution has not obtained viscera report till date. Prima facie, it appears that the deceased died due to cardio pulmonary arrest. It is further contended that the marriage between the applicant and the deceased was solemnized six years ago on 29.05.2020 and from the wedlock of the applicant and the deceased, three children were born. In between, no complaint whatsoever was ever made by husband of the applicant or first

informant. The applicant has been languishing in jail alongwith her two months baby girl. It is further contended that there is no evidence against the applicant in respect of harassment or torture to the deceased. A general and vague allegation has been levelled against the applicant. The medical evidence is not corroborated with ocular version. The applicant is a lady and she has no criminal history. Learned counsel for applicant further submits that applicant has been languishing in jail since 11.05.2026 and in case, she is released on bail, she will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant- **Geeta**, who is involved in the 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 file an undertaking to the effect that she shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of her absence,

without sufficient cause, the Trial Court may proceed against her under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against her, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

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

11. 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.

(Vivek Kumar Singh,J.)

June 22, 2026
A.P. Pandey