



2026:AHC:128000

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19494 of 2026

Phool Pyari @ Phoolmati

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Achyutanand Pandey, Amit Singh
Counsel for Opposite Party(s)	: G.A., Manoj Kumar

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. No one appears on behalf of the first informant even in the revised call.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.66 of 2026, under Sections 85, 80(2) of BNS and Section 3/4 of D.P. Act, Police Station- Mohammadabad, District- Farrukhabad.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She is the mother-in-law of the deceased. She is a widow, and only general and omnibus allegations have been levelled against her. As per the post-mortem report, the cause of death was asphyxia as a result of ante-mortem hanging. There is no injury on the body of the deceased except a ligature mark on the neck. No specific allegation has been levelled against the applicant. The applicant has no criminal antecedents to her credit. Learned counsel for the applicant further submits that the applicant has been languishing in jail since 04.04.2026 and, in case she is released on bail, she will not misuse the liberty of bail and will cooperate in the trial.
5. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant

regarding her involvement in the offence, therefore, she is not entitled to be released on bail.

6. 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 have made out a case for grant of bail.

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

8. Let the applicant- **Phool Pyari @ Phoolmati**, 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 her 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. 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.

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

10. 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 18, 2026

Radhika