



2026:AHC:128349

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19719 of 2026

Tejpal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brijesh Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Manish Kumar, Satya Pal

Court No. - 46

HON'BLE GARIMA PRASHAD, J.

1. Heard Sri Brijesh Kumar Mishra, learned counsel for the applicant and the learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.44 of 2026, under Sections 80, 85, 115(2), 352, 351(3), 238 BNS and Section 3/4 Dowry Prohibition Act, Police Station Mandi Dhanaura, District Amroha, during pendency of the trial.
4. Learned counsel for the applicant submits that applicant is father-in-law of the deceased and on the basis of false allegations, he has been roped in the present matter.
5. He further argues that actually daughter-in-law of the applicant was pregnant and for delivery she was admitted in the hospital where she delivered a child but after surgery her condition started deteriorating and when she recovered then after discharge, she was residing in her matrimonial home but on 23.09.2025 due to infection, she died.
6. He next submits that immediately after incident, informant's side was informed, and on the information, they arrived and participated in the funeral but after more than four months on 05.02.2026, FIR of the present case was lodged.
7. He next submits that inordinate delay in lodging the FIR itself suggests

that actually it is not a case of dowry death.

8. He next submits that as deceased died due to her prolonged illness and hospitalization, therefore, after her death with the consent of the informant side, cremation was conducted without information of the police and on this ground, it cannot be said that applicant caused dowry death of his daughter-in-law.

9. He next submits that the fact that deceased was admitted in the hospital for delivery where she delivered child and, thereafter, her condition started deteriorating and she developed septic is also evident from the FIR itself.

10. He further argues that the applicant is having no criminal history and in the present matter, he is in jail since 14.03.2026.

11. Learned counsel for the applicant lastly contends that co-accused Munni Devi, who has been assigned similar role to the applicant has already been granted bail by a coordinate Bench of this Court in Criminal Bail Application No.14069 of 2026 vide order dated 19.5.2026. He also contends that since identically placed co-accused has already been enlarged on bail, the applicant is also entitled to be enlarged on bail on the ground of parity.

12. Per contra, learned AGA opposed the prayer for bail and submit that applicant is father-in-law of the deceased and his daughter-in-law died under abnormal circumstances in her matrimonial home within one and half years of her marriage and there is also allegation of torture for dowry and without postmortem, dead body of the deceased has been cremated but he could not dispute the fact that for delivery, applicant side admitted the deceased in the hospital where she delivered a child and, thereafter, she developed septic and after discharge she died. He could not dispute the fact that FIR of the present case was lodged after more than four months. He also could not dispute that co-accused Munni Devi, who has been assigned similar role, has been enlarged on bail.

13. I have heard learned counsel for the parties and perused the record of the case.

14. However, there is allegation of causing dowry death of her daughter-in-law against the applicant but there is a delay of more than four months in lodging the FIR of the present case.

15. Further, however, it reflects that without postmortem, cremation of the dead body has been conducted but as per applicant, deceased was pregnant and for delivery, she was admitted in hospital, where she delivered a child but after that she developed septic and died and this fact has been admitted by informant in the FIR too and therefore, cremation has been conducted. The contention raised by applicant cannot be brushed aside.

16. Further, however, as per informant without informing him cremation of the dead body has been conducted but as per applicant after death, informant side was informed, they arrived and with their consent, cremation was conducted. The contention made on behalf of the applicant, at this stage, cannot be disbelieved considering the fact there is delay of four months in lodging the FIR of the present case.

17. Further, even applicant is lady and there is no specific allegations against her and in the present case, she is in jail since 14.03.2026.

18. Further, law is settled that unless proven guilty, an accused is deemed to be innocent and bail application of an accused should not be dismissed either for punitive or preventive purposes.

19. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

20. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

21. Let the applicant- Tejpal be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

22. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

23. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Garima Prashad,J.)

June 19, 2026
Rakesh