



2026:AHC:129144

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21418 of 2026

Smt Sanju Devi And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sandeep Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

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. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 306 of 2025 under Section 80(2), 85 BNS, 2023 and Section 3/4 of Dowry Prohibition Act, 1961, Police Station-Kotwali Dehat, District-Mirzapur.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant no. 1 is mother-in-law and applicant no. 2 is father-in-law of the deceased. The marriage between deceased and son of the applicants was solemnized on 28.11.2023. General and vague allegations have been leveled against the applicants in the FIR. No specific allegations have been leveled against them. As per postmortem report, cause of death is asphyxia due to hanging. No other mark of injury except ligature mark on the body of the deceased was noticed. It is further contended that first informant was examined in the trial court as P.W.-1 and he did not support prosecution case therefore, he was declared hostile by the learned ADGC. He has stated in his statement that deceased was not subjected to cruelty and harassment for demand of dowry. Smt. Pramila, mother of the deceased was also examined in the trial court as P.W.-2 and she was also declared hostile. She stated that no demand of dowry was made by the applicants or other person. It is further contended that no criminal offence is made out against the applicants in view of

statements of prosecution witnesses. There is no criminal history of the applicants. Learned counsel for applicant further submits that applicants have been languishing in jail since 22.07.2025 and in case, they are released on bail, they will not misuse the liberty of bail and will cooperate in trial.

4. 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 his involvement in the offence, therefore, he is not entitled to be released on bail.

5. I have considered the rival submissions of the parties and perused the record.

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 applicants have made out a case for grant of bail.

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

8. Let the applicants- **Smt. Sanju Devi** and **Shiv Kumar**, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicants shall file an undertaking to the effect that he 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 applicants shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure his 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 him, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicants 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 him 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 24, 2026

Kirti