



2026:AHC:133433

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20887 of 2026

Upendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Roshani Dwivedi, Sarvesh Kumar Dubey
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Sarvesh Kumar Dubey, learned counsel for the applicant, Shri Chandra Badan, learned AGA for the State-respondent and perused the records.

The instant bail application on behalf of the applicant Upendra son of Shivcharan has been filed seeking his enlargement on bail in Case Crime No. 50 of 2025, under Sections 85, 80 (2) of BNS and Section 3/4 D.P. Act, Police Station Talgram, District Kannauj, during the pendency of the trial before the Court below. The bail application of the applicant before the Court below has been rejected by the learned Addl. Sessions Judge, Court No. 1, Kannauj and the applicant is stated to be languishing in Jail since 5.3.2025.

Learned counsel for the applicant has vehemently argued that the applicant is entirely innocent and has been falsely implicated in this very case crime number for ulterior motives. The FIR giving rise to the case crime number, in question, has been lodged nominating the applicant along with four other persons with the allegation that the first informant had solemnized the marriage of his daughter with the applicant on 12.6.2023 and soon after marriage, the accused persons began to harass the daughter of the informant for bringing insufficient dowry and demanded a motor bike and one lacs rupees. On 28.2.2025, the accused persons hanged the daughter of the informant, resulting in her death.

It has been argued that the applicant and other accused persons are not at all responsible for the death of the daughter of the informant (wife of the applicant) and the deceased was under severe financial stress and mental pressure inasmuch as, she is alleged to have borrowed money from one Ram Charan @ Chetram for her tailoring business and could not repay the same. Consequently, the deceased committed suicide by hanging herself. It is argued that the post mortem of the deceased reflects the cause of death to be asphyxia as a result of ante mortem hanging. In the post mortem report a single ligature mark around the neck and no other external or internal injury has been found on the body of the deceased. It is argued that the medical evidence reflects that it is a case of suicidal hanging and does not indicate any homicidal violence. It is next argued that charge sheet has been filed on 23.3.2025 and the trial is proceeding against the applicant and he is cooperating in the trial. The applicant has no other criminal history except this very case. The applicant is not a flight risk. Hence, bail has been prayed for.

Per contra, learned AGA has vehemently opposed the bail plea by contending that complicity of the applicant in the commission of the crime stands established from the materials collected by the investigating officer. During the course of the trial, the prosecution witnesses have stated that the accused persons used to harass the deceased for bringing insufficient dowry. It is accordingly prayed that the bail application deserves outright rejection.

Considering unrebutted arguments raised by learned counsel for the applicant, medical evidence annexed with the bail application, all above facts and circumstances, nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie, but without commenting on merit of case, a case for bail is made out.

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

Let the accused-applicant, **Upendra**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

June 29, 2026
Ravi Prakash