



2026:AHC:128909

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16624 of 2026

Smt Alop And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hanuman Prasad Kushwaha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P. and perused the record.
2. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No.0015 of 2026, under Sections 108 BNS, 2023, Police Station- Jakhaura, District- Lalitpur.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is further submitted that the alleged incident took place on 16.01.2026, whereas the FIR was lodged on 19.01.2026. A delay of three days in lodging the FIR has not been properly explained by the prosecution. It is further submitted that false allegations have been levelled by the informant against the applicants due to ulterior motives. It is further submitted that from a perusal of the FIR, it is clear that the deceased was after applicant no. 1, who is a married lady. He wanted to have an illicit relationship with applicant no. 1, and the applicants were compelled to leave their ancestral village and settled in another village, where the deceased continued to chase them. It is further contended that the deceased was caught by applicant no. 2 and was beaten by him. Thereafter, the deceased committed suicide. There is no allegation that, prior to committing suicide, the deceased was instigated or abetted by the applicants. The applicants have no criminal history to their credit. It is further submitted that the applicants have been languishing in jail since 20.01.2026 and that,

in case they are released on bail, they will not misuse the liberty of bail and will cooperate in the trial

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicants and submitted that there is ample evidence against the applicants regarding their involvement in the offence, therefore, they are not entitled to be released on bail.

5. 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 applicants, 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.

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

7. Let the applicants- **Smt. Alop** and **Ratiram**, who are involved in the aforementioned case crime be released on bail on their furnishing 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 they 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 their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicants fail to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against them, 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 applicants are 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 them in accordance with law.

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

9. It is made clear that observations made in granting bail to the applicants 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 23, 2026

Radhika