



2026:AHC:141317

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21736 of 2026

Yaseen And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amit Rai
Counsel for Opposite Party(s)	:	G.A., Mayuri Mehrotra

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Amit Rai, learned counsel for the applicants, learned counsel for the first informant, Sri DPS Chauhan, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicants on bail in Case Crime No. 91 of 2026, under Sections 85, 80(2) of B.N.S. and Section 3/4 Dowry Prohibition Act, Police Station Chandpur, District Bijnor, during the pendency of the trial.

3. This matter was heard on 03.07.2026. On that date, learned A.G.A. informed that till date he had not received any instructions from the concerned police station, though the Office of Joint Director (Prosecution), High Court, Allahabad had handed over a copy of the bail application to the concerned *paikar* on 17.06.2026 and thereafter, on 19.06.2026, an alert letter was sent to the S.P., Bijnor. This matter was listed on 25.06.2026, but it could not be taken up. Subsequently, on 29.06.2026, the Office of Joint Director (Prosecution), High Court, Allahabad sent another reminder to the S.P., Bijnor for supplying instructions in the bail matter. Therefore, this Court directed the learned A.G.A., in the first call, to obtain the PDF of the case diary. When the matter was taken up in the revised call, learned A.G.A. informed that though the SHO concerned had been intimated through Head Constable

Santosh Kumar to send the PDF of the case diary by downloading the same from CCTNS, the concerned SHO, instead of sending the PDF of the case diary, simply sent the case history of the applicant and, despite a reminder, did not provide the PDF of the case diary. Therefore, this Court directed the concerned SHO to appear before this Court on the next date of listing.

4. Today, SHO, Chandpur, Sri Rahul Singh is present and has informed this Court that he was on leave on 02.07.2026 and joined on 03.07.2026 at 11:38 a.m., and thereafter proceeded to attend a meeting with the District Magistrate and S.P., Bijnor regarding the security arrangements for the Kanwar procession. Therefore, he left the CUG mobile at the police station by handing over the same to Sri Himanshu Panwar, Sub-Inspector. Accordingly, on 03.07.2026, the official of the Joint Director (Prosecution), High Court, Allahabad must have had a conversation with Sri Himanshu Panwar. SHO, Chandpur further informed that intimation regarding supply of instructions in the present bail application was also received at the police station on 28.06.2026, and he immediately directed that the same be sent to the Office of the C.O., as the C.O. was the Investigating Officer of the present case. Accordingly, Sri Amit Sarwa, Head Constable, communicated the same to Head Constable Munendra, who is attached to the Office of the C.O. In support of his statement, the SHO, Chandpur also produced the conversation between Head Constable Sri Amit Sarwa and Head Constable Munendra.

5. So far as the statement of SHO, Chandpur is concerned, this Court is satisfied with the explanation furnished by him. However, S.I. Himanshu Panwar could not explain the reason why he had not sent the PDF of the case diary despite a specific direction. He simply stated that there was a communication gap and, for that reason, he sent the case history of the applicant instead of the case diary. Circle Officer, Chandpur, Sri Desh Deepak Singh is also present, who was the Investigating Officer of the present case, but he informed the Court that he was never intimated about the

instructions to be supplied in the present case and that Head Constable Munendra, who is attached to his office, never informed him about any intimation sent on behalf of the SHO, Chandpur regarding supply of instructions to the High Court in the present bail application. It is very surprising to note that more than 25 days had elapsed from the date of receipt of the notice of this bail application by the *paikar* of the police and, despite alert dated 19.06.2026 and reminder dated 29.06.2026, the instructions were not supplied even pursuant to the oral direction issued on 03.07.2026, and the officers are shifting responsibility to each other. **Therefore, it would be appropriate for the S.P., Bijnor to conduct an appropriate enquiry and take appropriate action against them.**

6. Coming to the merits of the case, contention of learned counsel for the applicants is that the applicants are the father-in-law and mother-in-law of the deceased, who committed suicide by hanging herself after a petty dispute over household issues. The applicants have been falsely implicated merely being the father-in-law and mother-in-law of the deceased, though there is no sufficient material against them to show that they harassed the deceased for non-fulfillment of demand of dowry prior to her death. The applicants have been falsely implicated by making general and vague allegations along with other family members. It is further submitted that for invoking presumption of dowry death in case of death under unnatural circumstances within seven years of marriage, there must be sufficient material to show that the deceased was subjected to cruelty soon before her death, but there is no such material. It is lastly submitted that charge-sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicants have no criminal history and they are languishing in jail since 28.02.2026. In case, they are granted bail, they will not misuse the liberty of bail and would cooperate in the trial proceedings.

7. Per contra, learned counsel for the first informant as well as

learned A.G.A. for the State have vehemently opposed the prayer for bail and submitted that there was a specific demand of dowry and sufficient material to show that the deceased was subjected to cruelty prior to her death. Therefore, the applicants are not entitled to be released on bail. However, they could not dispute the fact that several witnesses, including the relatives of the deceased, admitted that the dispute was between the husband and wife over petty issues.

8. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties, and upon perusal of the record, it is clear that the applicants are the father-in-law and mother-in-law of the deceased, who committed suicide by hanging herself after a petty dispute over household issues. There is no sufficient material against them to show that they harassed the deceased for non-fulfilment of the demand of dowry prior to her death or that the deceased was subjected to cruelty soon before her death by the applicants, and considering the mandate of the judgment of the Apex Court in **Kapil Wadhawan vs. Central Bureau of Investigation**, reported in **2025 SCC OnLine SC 3038**, as well as the guidelines of this Court in **Maya Tiwari vs. State of U.P.**, **2024 SCC OnLine All 6765**, regarding grant of bail, and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

9. Let the applicants- **Yaseen and Sabila**, involved in the aforementioned crime be released on bail, on their furnishing personal bonds and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- i. The applicants shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.
- ii. The applicants shall cooperate in the trial/investigation sincerely

without seeking any adjournment.

iii. The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicants shall attend in accordance with the conditions of the bond executed by them.

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

11. Identity, status and residence proof of the applicants and sureties be verified by the court concerned before the bonds are accepted.

12. Verification of mobile number and Aadhaar card of the applicants as well as sureties should be verified by the court concerned.

13. It is made clear that the applicants shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

14. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicants.

15. Office is directed to send a copy of this order to the applicants through **Jail Superintendent, Bijnor** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025, decided on 29.05.2026.**

16. Application, if any, stands **disposed of**.

17. Since the present bail application could have been disposed of on 03.07.2026, but could not be disposed of as, despite repeated reminders and oral intimation, the requisite instructions were not supplied to this Court, it remained pending for more than ten days due to the laxity on the part of the police. Accordingly, this Court imposes a cost of Rs. 50,000/- upon the State Government, which shall be paid to the applicants, on account of the negligence on the part of the police in the disposal of the present bail application.

18. Let a copy of this order be communicated to the **Director General of Police, Uttar Pradesh**, as well as the **Superintendent of Police, Bijnor**, through **Registrar (Compliance)** for taking appropriate action.

19. However, it is further observed that the aforesaid cost of Rs. 50,000/- may be recovered by the State Government from the erring officers after conducting an enquiry.

(Arun Kumar Singh Deshwal,J.)

July 14, 2026

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