



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24645 of 2026

Aatish Alias Krishnkant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shiv Babu Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shiv Babu Dubey, counsel for the applicant, Sri Pankaj Saxena learned A.G.A. along with Ms. Mayuri Mehrotra, learned brief holder for the State and perused the record.

2. This matter was heard on 20.07.2026. On that date, the Court directed the learned A.G.A. to seek audio/ video statement of the first informant as well as his wife recorded under Section 180 BNSS, instructions whether the I.O. has found any material on the basis of CDR mobile phone of the sister-in-law (Bhabhi) of the deceased whether deceased called her one day prior to the date of alleged incident as mentioned in the statement of first informant and his wife as well as instructions whether the MedLEapr (digital platform) is integrated with CCTNS for fetching the post-mortem report as well as injury report uploaded on MedLEapr. The court further directed the I.O. of this case as well as the doctor who conducted the post-mortem shall remain present before this Court.

3. In pursuance of the order dated 20.07.2026, the I.O. Mr. Rakshapal Singh, Circle Officer (Deputy Superintendent of Police), who is presently posted at Jhansi, is present before this Court and apprised the Court that during investigation CDR of the mobile phone of the sister-in-law (bhabhi) of the deceased was not taken and though after the direction of this he obtained

the CDR of the mobile of the sister-in-law (bhabhi) of the deceased but he did not find any call detail of the deceased or any family member of her in-laws on her mobile phone, therefore, the allegation that the deceased called her Bhabhi through mobile prior to the date of incident regarding harassment for demand of dowry could not be established. The I.O. of this case further informed that though MedLEapr is not integrated with the CCTNS but whenever a request is made to Health Department regarding the post-mortem report, then on receiving the request, MedLEapr is integrated with CCTNS to view the soft copy of the post-mortem report.

4. Learned A.G.A. has also informed that the doctor who conducted the post-mortem could not appear before this Court for the reason that he was intimated about the order of this Court in the evening of yesterday itself.

5. The audio/video clip of the statement of first informant and his wife recorded under Section 180 BNSS was produced by the I.O. and on perusal of the same, it was found that the part of the statement mentioned in the case diary appears to be same as stated by the first informant and his wife but remaining part appears to be recorded by the I.O. himself.

6. From the aforesaid audio/ video, it is appeared that the police officer who recorded the audio/ video of the statement under Section 180 BNSS, instead of recording version of the incident as per first informant and his wife tried to suggest leading question which is in the nature inculpatory. This is absolutely incorrect.

7. The purpose of criminal justice administration is simply not to punish the guilty but also save the innocent person, therefore, the police should not try to suggest the material to witness against the accused. Instead thereof, the statement under Section 180 BNSS should be written in the language and version stated by the witness, except certain clarification.

8. Considering the aforesaid submissions, this Court directs the

Director General of Police, Lucknow to issue necessary directions to all the police officers that while recording the statement under Section 180 BNSS, they should not suggest the question which could be inculpatory in nature to accused. They should simply write the version stated by the witness in his/her own language except seeking clarification on certain points.

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Coming to the merits of this case:

1. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 32 of 2026, under Section 85, 80(2) B.N.S. & Section 3/4 D.P. Act, Police Station Banpur, District Lalitpur.

2. Counsel for the applicant submitted that the deceased died by consuming poisonous substance on 29.11.2025. The first informant and the other family members were also present at the time of inquest and it is the applicant who called the police and the police after conducting the inquest of the dead-body of the deceased sent it for post-mortem. Post-mortem of the deceased was also conducted on 29.11.2025. In the post-mortem report, there was no ante-mortem injury and cause of death was itself not ascertained, therefore, viscera was preserved for chemical analysis. After three months when the viscera report was received on 26.02.2026 showing the deceased died because of poisonous substance, an FIR was subsequently lodged on 26.02.2026. Counsel for the applicant submitted that had there been any demand of dowry, then the first informant could have made complaint immediately after post-mortem but lodging the FIR after three months on receiving the viscera report is after thought. It is further submitted that the FIR has been lodged after a delay of three months and there is no explanation for that delay. It is also submitted that the statement of first informant as well as his wife shows that it was nothing but a copy of FIR and the major part of the same was written by the I.O. himself. It is also submitted that though the sister-in-law of the deceased stated in

her statement that one day prior to incident, the deceased called her and informed regarding harassment by her husband and other family members. However, the police has not recovered any evidence that the deceased called her prior to one day of incident. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 28.11.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

3. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

4. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into the account that from the audio/ video of the statement of the first informant and his wife (mother of the deceased), it is clear that though the deceased committed suicide but there is no explanation why the FIR has been lodged after a delay of three months, and also taking into the fact that the deceased died because of consuming poisonous substance over a petty dispute between the family members, keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

5. Let the applicant- **Aatish Alias Krishnkant** involved in the aforementioned 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, with the following conditions:-

i. The applicant 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 applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

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

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

8. It is made clear that the applicant 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.

9. 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 applicant.

10. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent 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.

11. Though, this bail application has been **disposed of** but for solving technical glitch regarding non-transferring the data from MedLEapr to CCTNS as well as CCTNS to CIS, this case is kept

pending on that purpose.

12. This court request Mr. Shashi Kant Sharma, Deputy Director General, N.I.C., New Delhi to appear before this Court through Video Conferencing on the next date of listing at 10:00 P.M. to assist the Court so that this issue can be resolved. The Additional Director General (Technical), U.P. Police shall also appear before this court through Video Conferencing on the next date of listing at 10:00 A.M.

13. List this case on 06.08.2026 as fresh at 10:00 A.M.

14. Office is directed to send necessary link to Mr. Shashi Kant Sharma, Deputy Director General, N.I.C., New Delhi and the Additional Director General (Technical), U.P. Police.

15. Registrar (**Compliance**) is directed to communicate this order to Mr. Shashi Kant Sharma, Deputy Director General, N.I.C., New Delhi and the Additional Director General (Technical), U.P. Police for compliance.

16. It is further submitted that copy of this order shall also be sent to Director General of Police, Lucknow, U.P. for consideration and compliance of paragraphs 5, 6, 7 and 8 of this order.

July 30, 2026

CS/-

(Arun Kumar Singh Deshwal,J.)