2026:AHC:212932

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44647 of 2025

Pradeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Arvind Srivastava, Awadhesh Tiwari, Prem Narayan Tiwari, Subir Lal

Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Shwetashwa Agarwal, learned Senior Counsel assisted by Sri Subir Lal, learned counsel for the applicant, Sri Chandra Shekhar Saran, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 02 of 2016 under Sections 498-A, 323, 504, 506, 377, 376 IPC and 3/4 D.P. Act registered at Police Station Mahila Thana, District Baghpat during pendency of the trial.

3. It has been argued by learned Senior Counsel appearing for the applicant that matrimonial dispute has been given colour of some serious offence. It is next submitted that applicant, who has no criminal history, has been languishing in jail since 27.9.2025 and as per the injury report of the victim, there is no injury in her body to substantiate the allegation of attempt to murder and rest of the offences are not made out against the applicant as he is husband of the victim. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned A.G.A. opposed the prayer for grant of bail to the applicant and submits that applicant remained absconding for about nine years after submission of chargesheet and he is a flight risk.

5. In reply, learned Senior Counsel submits that applicant is ready and willing to co-operate in the trial and he will not seek any adjournment when the witnesses are present in the court.

6. On perusal of the FIR, it appears that it is a matrimonial dispute and applicant is the husband of the first informant/victim who is said to have harassed, tortured and attempted to commit murder of the victim by trying to strangulate her and he also tried to have committed unnatural sex with her. However, medico-legal report of the victim dose not support the allegations of the FIR. Applicant, who has no criminal history, has been languishing in jail since 27.9.2025 and ready and willing to co-operate in the trial and he will not seek any adjournment when the witnesses are present in the court.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***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 applicant is entitled to be enlarged on bail.

8. Let the applicant **Pradeep** 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.

(v) The applicant shall remain present before the trial court either in person or through counsel and shall not seek any adjournment when the witnesses are present.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. 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.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal 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.***

(Jitendra Kumar Sinha,J.)

October 9, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad