

Pawan Singh vs State Of U.P. on 1 April, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44973

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3268 of 2025

Applicant :- Pawan Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Kumar Singh, Pritam Das, Sanju Lata

Counsel for Opposite Party :- G.A., Vaibhav Gupta

Hon'ble Sameer Jain, J.

1. Heard Sri Prashant Kumar Singh and Sanju Lata, learned counsels for the applicant, Sri Vaibhav Gupta, learned counsel for the informant and Sri Brijesh Pratap Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 352 of 2024, under Sections 108, 308(5), BNS, Police Station- Kabrai, District- Kanpur Mohoba, during pendency of the trial in the court below.
3. Learned counsels for the applicant submitted that from the FIR of the present case, it reflects that applicant along with his wife has been made accused in the present matter on the basis of suicide note of the deceased.
4. They further submitted that from the suicide note of the deceased, which has been annexed along with the instant bail application, it reflects that as per deceased, wife of the applicant i.e. co-accused Nidhi Singh developed illicit relationship with him and thereafter she started blackmailing him and

from the suicide note of the deceased, it reflects that due to abatement of co-accused Nidhi Singh, he committed suicide and however, allegations were also made against the applicant by the deceased but it appears, very casually he made allegation against applicant in his suicide note.

5. They further submitted that however, from the record, it reflects that there is also one video of the deceased, in which, he was making allegation of abatement against co-accused Nidhi Singh but in this video also very casually he made allegation against the applicant.

6. They further submitted that neither from the suicide note of the deceased nor from his alleged video, it could be reflected that due to abatement of the applicant, deceased committed suicide rather it reflects that due to abatement of co-accused Nidhi Singh, he committed suicide and it appears, only being husband of co-accused Nidhi Singh, applicant has been made accused in the present matter.

7. He further submitted that applicant is not having any criminal history and he is in jail in the present matter since 29.11.2024.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that from the suicide note of the deceased and his video, it is apparent that applicant also involved along with his wife in abating the deceased but could not dispute the fact that even from both the materials, it reflects that main allegation of abatement is against co-accused Nidhi Singh.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, as per allegation, due to abatement of the applicant and his wife, deceased committed suicide but from the suicide note of the deceased and his video, it reflects that co-accused Nidhi Singh is the principal accused and main allegation of abatement is against her and considering both the evidences, the argument advanced by learned counsel for the applicant that it appears, being husband of co-accused Nidhi Singh, applicant has been made accused in the present matter, cannot be completely ruled out at this stage.

11. Further, applicant is not having any criminal history and he is in jail in the present matter since 29.11.2024.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

14. Let the applicant- Pawan Singh be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 1.4.2025 KK Patel