



2026:AHC:34219

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4721 of 2026

Kalmun Nisha

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shabista Parveen
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Ms. Shabista Parveen, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 207 of 2025, under Sections 304B, 498A, 323, 506 IPC and Section 3/4 D.P. Act, Police Station Nichlaul, District Maharajganj during pendency of the trial.
3. Learned counsel for the applicant submits, applicant is mother-in-law of the deceased and on the basis of false allegation she has been made accused in the present matter.
4. She further submits, deceased died on 11.03.2023 but FIR of the present case was lodged on 25.07.2025 i.e. after more than two years. She further submits, from the viscera report it reflects that deceased died due to consumption of Aluminum Phosphide, therefore, it appears to be a case of suicidal death.
5. She further submits, actually deceased was seriously ill and she was under continuous treatment and only due to this reason she consumed insecticide and died and the fact that she was ill is evident from the statements of prosecution witnesses, which have been annexed along with instant bail application.
6. He further submits, applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 05.12.2025.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute

the argument on facts advanced by learned counsel for the applicant.

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

9. Considering the argument advanced by learned counsel for the applicant and the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and possibility of suicide committed by the deceased cannot be completely ruled out after considering the viscera report and FIR of the present case was lodged quite belatedly through an application under Section 156(3) Cr.P.C. and applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 05.12.2025, in my view, applicant is entitled to be released on bail.

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

11. Let the applicant - **Kalmun Nisha** 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.

12. 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.

13. 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.

February 10, 2026
AK Pandey

(Sameer Jain,J.)