



2026:AHC:75730

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3426 of 2026

Mosim Alias Mohsin

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chaman Aara, Shabista Parveen
Counsel for Opposite Party(s)	:	G.A., Saksham Srivastava

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. Two rejoinder affidavits filed by applicant are taken on record.
2. Heard Ms. Shabista Parveen, learned counsel for the applicant, Sri Akhilesh Srivastava, learned Senior Advocate assisted by Sri Yasharth Srivastava, learned counsel for informant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 312 of 2025, under Sections 85, 80(2), 115(2), 351(2) BNS and Section 3/4 D.P. Act, Police Station Harduaganj, District Aligarh during pendency of the trial.
4. Learned counsel for the applicant submits, applicant is Devar of the deceased and on the basis of false allegation he has been made accused in the present matter.
5. She further submits, however, Bhabhi of the applicant died due to strangulation in her matrimonial home and even she sustained two injuries but applicant resided separately and this fact is even evident from the rejoinder affidavit in which applicant has specifically stated that he used to reside on rent in the house of one Imran and in his regard he also filed a rent agreement along with rejoinder affidavit.
6. She next submits, even from the FIR it reflects, on the basis of general allegation informant implicated as many as 17 persons including father of the applicant namely Alauddin, who had already died on 22.07.2025 i.e. even before lodgement of the FIR of the present case and this fact suggests that FIR is based on false allegation and it appears, only being younger brother of the husband of the deceased, applicant has also been made accused in the present matter. She further submits, during investigation charge-sheet has been filed against only two persons including applicant and till date no charge-sheet could be filed against other accused persons.
7. She further submits, applicant is not having any criminal history and in the present matter he is in jail since 19.09.2025.

8. Per contra, learned AGA as well as learned Senior Advocate appearing on behalf of informant opposed the prayer for bail and submit, applicant is Devar of the deceased and deceased died due to strangulation, therefore, it is a case of homicidal death. They further submit, however from the rejoinder affidavit it reflects, applicant resided separately and in this regard he also filed rent agreement but it reflects, after filing the counter affidavit applicant anyhow procured rent agreement and actually he resided along with deceased in the same house. They however could not dispute the fact that in the FIR total 17 persons have been made accused on the basis of general allegation including father of the applicant, who had already died even before lodgment of the FIR.

9. They also could not dispute the fact that only against two persons charge-sheet has been filed including applicant and till date with regard to other accused no charge-sheet could be filed. They also could not dispute the fact that applicant is not having any criminal history and in the present matter he is in jail since 19.09.2025.

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

11. However, it reflects, deceased died due to strangulation within two years of her marriage and there is also allegation of torture in connection to demand of Rs. 2 lakhs and Bullet motorcycle but applicant is Devar of the deceased and there is no specific allegation against him.

12. Further, even from the rejoinder affidavit filed by the applicant it reflects, he resided separately in the house of one Imran and considering this fact the argument advanced by learned counsel for applicant that as applicant resided separately, therefore, he was not having any concern with the family affair of the deceased cannot be ruled out.

13. Further, it reflects, in the FIR as many as 17 persons were named including father of applicant Alauddin, who had already died on 22.07.2025 i.e. even before lodgment of the FIR, therefore, argument advanced by learned counsel for applicant that it appears to be a case of over implication cannot be ruled out at this stage.

14. Further, applicant is not having any criminal history and in the present matter he is in jail since 19.09.2025.

15. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

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

17. Accordingly, without expressing any opinion on the merits of the case, the instant

bail application is **allowed**.

18. Let the applicant - **Mosim @ Mohsin** 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.

19. 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.

20. 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.

April 7, 2026
AK Pandey

(Sameer Jain,J.)