



2026:AHC:182501

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 230 of 2026

Smt Seema Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shahbaz Khan
Counsel for Opposite Party(s)	:	Deepak Kumar Verma, G.A., Ruchi Verma

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shahbaz Khan, learned counsel for the applicant, Sri Deepak Kumar Verma, learned counsel for opposite party no.2 and Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.

2. This is bail cancellation application.

3. The instant bail cancellation application has been filed to set aside the order dated 03.12.2025 and cancel the bail of accused/opposite party no. 2 namely Satendra Alias Sonu in Case Crime No.91 of 2025, Under Sections-85, 80(2) B .N.S and Section 3/4 of Dowry Prohibition Act, Police Station Sirsakalaar, District Jalaun.

4. Learned counsel for the applicant has submitted that while granting bail to the opposite party no.2 (husband of the deceased), the court below has failed to consider that deceased died within 7 years of marriage under unnatural circumstances (ante-mortem hanging, asphyxia) and there was evidence that soon before her death, deceased was subjected to cruelty for non-fulfillment of demand of dowry, even then the bail was granted to the opposite party no.2 vide order dated 03.12.2025 by the learned Additional Sessions Judge, Court, No.1, Jalaun at Orai.

5. This Court considering this fact vide order dated 06.07.2026 directed the learned Additional Sessions Judge, Court, No.1, Jalaun at Orai to submit his explanation how he passed this order dated 03.12.2025 granting bail to the opposite party no.2 without assigning

any reason and contrary to the presumption of Section 118 of BSA.

6. In pursuance of the order dated 06.07.2026, Sri Satish Chandra Dwivedi, learned Additional Sessions Judge, Court, No.1, Jalaun at Orai, has submitted an explanation and admitted this fact that there was evidence of harassment because of demand of dowry against the present applicant and the deceased died within 7 years of her marriage. The trial judge further admitted that in view of the above facts, the presumption is also attracted u/s 118 of BSA but he granted bail on the ground of parity with the mother-in-law and father-in-law.

7. From the perusal of the impugned bail order dated 03.12.2025 as well as explanation of the trial judge, it is absolutely clear that discretion of bail has been arbitrarily exercised by the concerned Judge, even he could not justify why he granted bail to the opposite party no.2 (husband of the deceased) despite there being sufficient material against him as well as presumption u/s 118 of BSA and even without giving any reason. This creates suspicion while exercising this discretion. However, this court is not expressing any view about the integrity of the concerned trial judge, however that requires to be investigated through administrative side. Therefore, matter be placed before the Administrative Committee to consider whether any enquiry is required to be conducted against Sri Satish Chandra Dwivedi, learned Additional Sessions Judge, Court, No.1, Jalaun at Orai, regarding such erroneous and arbitrary exercise of power while releasing the opposite party no.2 (husband of the deceased) on bail despite sufficient material against him which attracts the presumption u/s 118 of BSA.

8. Considering the aforesaid facts and circumstances, this court is of the view that the order dated 03.12.2025 passed by the learned Additional Sessions Judge, Court, No.1, Jalaun at Orai, granting bail to the opposite party no.2 is absolutely erroneous and bail of opposite party no.2 is liable to be cancelled.

9. Accordingly, the bail of the opposite party no.2 granted by the learned Additional Sessions Judge, Court, No.1, Jalaun at Orai vide order dated 03.12.2025 is hereby cancelled. The opposite party no.2 is directed to surrender before the concerned Magistrate within a

period of 10 days from today.

10. The bail cancellation application is accordingly **allowed**.

11. **Registrar (Compliance)** is directed to send a copy of this order to the District Judge, Jalaun at Orai, for necessary compliance.

12. **Registrar General** is directed to place this matter before the Administrative Committee.

September 1, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)