

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 21967 of 2023

**Applicant :-** Kusumlata

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Satyendra Narayan Singh, Dharendra Kumar Srivastava, Girja Shanker Mishra, Pratiksha Rai, Shashi Kant Mishra

**Counsel for Opposite Party :-** G.A., Bipin Kumar, Dev Kumar Yadav

**Hon'ble Vivek Varma, J.**

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State-opposite party, and learned counsel for the informant.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 125 of 2011, under Sections 420, 467, 468, 120B I.P.C., Police Station Chakiya, District Chandauli during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The dispute between the parties is purely civil in nature with regard to sale of the land. In the first information report the only allegation against the applicant is that she was present at the spot when her husband was negotiating with the informant for purchase of land and also at the time of giving money and preparing the sale-deed. There is no other allegation against the applicant. It is next contended that co-accused Shyam Sunder Pandey has been granted bail by this Court in Criminal Misc. Bail Application No. 5140 of 2012, Shyam Sunder Pandey v. State of U.P., vide order dated 03.09.2012. The applicant claims parity. The criminal history of the applicant has been explained in Paragraph-23 of the affidavit. The applicant is in jail since 01.05.2023 and if she is released on bail, she will not misuse the said liberty.

4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the dispute is purely civil in nature and there is no specific allegation against the applicant. Co-accused Shyam Sunder Pandey has been granted bail by this Court. Moreover, the applicant is a lady and has remained confined for almost six months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Kusumlata, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that she:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 7.11.2023**  
SKT/-