

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30917 of 2023

Applicant :- Rajwati

Opposite Party :- State of U.P.

Counsel for Applicant :- Kumar Ankit Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Compliance affidavit filed by learned A.G.A. is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the records.
3. This is second bail application on behalf of the applicant. The first bail application was rejected by this Court on 23.3.2023. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 183 of 2022, under Sections 365, 370, 376, 366, 368, 34 I.P.C., Police Station- Kapsethi, District- Varanasi, during pendency of the trial.
4. Counsel for the applicant submits that all the co-accused persons have been granted bail by this Court. Even the person for whom the victim was alleged to be taken/bought has been released on bail. It is next contended that the applicant has been diagnosed with cancer and is going on treatment. The applicant is a lady and she is entitled for benefit of proviso of Section 437 Cr.P.C. The applicant has no criminal history, she is in jail since 09.09.2022, in case, she is enlarged on bail, she will not misuse the said liberty.
5. Learned counsel for the informant as well as learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions that the co-accused persons have been released and keeping in view the the medical condition of the applicant, I am of the opinion that the applicant is also entitled to be enlarged on bail.
7. Let the applicant, **Rajwati** involved in the aforesaid case be

released on bail on her furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. 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 :- 28.10.2023

S.Verma