

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31392 of 2023

Applicant :- Priyanka Alias Anita

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Tiwari, Mohd. Jamshed Khan, Raj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit today on behalf of the applicant is taken on record.
2. Heard Sri M.J. Khan, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 62 of 2021, under Sections 419, 420, 467, 468, 471 IPC, Police Station Salempur, District Deoria during pendency of the trial.
4. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant. The first bail application of the applicant was dismissed by this Court on merit vide order dated 06.04.2023 passed in Criminal Misc. Bail Application No. 12798 of 2023 and he is pressing the instant second bail application on the ground that applicant is lady and in the present matter she is in jail since 05.01.2023 i.e. for almost eleven months and all the offences are triable by the Magistrate-I class. He further submits that from perusal of the order-sheet, it appears that till date not even charges could be framed against the applicant.
5. He further submits that from perusal of the bail rejection order dated 06.04.2023 passed by this Court, it appears that this Court observed that applicant was although terminated from her services but she did not challenge her termination order but now applicant has challenged her termination order before this Court and petition filed by her is still pending. He next submits that considering the facts and circumstances of the case argued above, applicant, who is

lady, may be enlarged on bail.

6. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

8. However, this is second bail application filed on behalf of the applicant and her first bail application was dismissed by this Court on merit vide order dated 06.04.2023 but it appears that applicant is lady and all the offences are triable by the Magistrate-I class and in the present matter she is in jail since 05.01.2023 i.e. for almost eleven months and till date not even charges could be framed.

9. Further, from the bail rejection order earlier passed by this Court, it appears that at the time of rejection of first bail application, applicant failed to challenge her termination order however she had terminated from her services but now she has challenged her termination order and petition filed by her is still pending before this Court.

10. Therefore, considering the facts and circumstances of the case, particularly the fact that applicant is lady and in the present matter she is in jail since 05.01.2023 i.e. for almost eleven months, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant - **Priyanka Alias Anita** 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.

13. 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.

14. 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.

Order Date :- 20.11.2023

AK Pandey