

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 8752 of 2023

Applicant :- Smt. Meera Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Raj Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Supplementary counter affidavit filed by learned A.G.A. is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. This anticipatory bail application has been moved seeking anticipatory bail in Case Crime No.42A of 2006, under Sections 409, 420, 467, 468, 471, 477-A, 120-B r/w 34 IPC and Section 13(2) Prevention of Corruption Act, P.S. Sukhpura, District Ballia with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and she has an apprehension that she may be arrested in the above-mentioned case, whereas there is no credible evidence against her. The applicant was working as Block Pramukh and as per prosecution version, an amount of Rs.15,80,660/- provided for welfare schemes was misused. It was submitted that the first information report has been lodged against several persons, including the government officials. The allegations levelled against applicant, are wholly false. There is no evidence that any amount was transferred to the account of

applicant. Further, the applicant is a lady and that she is suffering from serious ailments. Regarding process under Section 82 and 83 Cr.P.C., it was submitted that the process under Section 82 and 83 Cr.P.C. has been executed during pendency of the anticipatory bail application of the applicant and thus, it would not bar the anticipatory bail application of the applicant. In support of his contention, learned counsel has placed reliance upon the case of Manish Yadav vs. State of U.P. (2022 0 Supreme (All) 629). It was submitted that the applicant has no criminal antecedents and that in case, the applicant is granted anticipatory bail, she would co-operate during investigation and trial and would obey the conditions of bail.

5. Learned A.G.A. has opposed the application for anticipatory bail and argued that in the alleged incident, public funds of Rs.15,80,660/- and food-grains worth Rs.14,50,690/- were misused and misappropriated. It is further submitted that after rejection of first anticipatory bail application of applicant, the process under Section 82 Cr.P.C. was executed and after the proclamation under Section 82 Cr.P.C., the second anticipatory bail was moved by the applicant before the Sessions Court and thus, in view of law laid down in case of Lavesb vs. State of (NCT of Delhi) [2012] 8 SCC 730 and Prem Shankar Prasad vs. State of Bihar AIR 2022 SAR (Cri)1, this, anticipatory bail application is not maintainable.

6. Considering the facts of the matter and particularly the fact that process under Section 82 and 83 Cr.P.C. has already been executed against the applicant, the applicant is not entitled for anticipatory bail. The prayer for grant of anticipatory bail is **refused**.

7. However, considering the fact that applicant is stated a lady and senior citizen and suffering from several ailments, it is directed

that in case, applicant appears/surrenders before the court concerned within three weeks from today and applies for bail, her bail application shall be considered and decided expeditiously, in accordance with settled law.

8. With aforesaid observations, the anticipatory bail application of applicant is hereby **rejected**.

Order Date :- 6.11.2023

Neeraj