

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39523 of 2023

Applicant :- Malti Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ved Prakash Shukla

Counsel for Opposite Party :- G.A.,Abhilasha Singh

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Ved Prakash Shukla counsel for the applicant, Ms. Abhilasha Singh learned counsel for the High Court Legal Services Committee, as well as learned A.G.A. for the State and perused the record.

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. 214 of 2022 under Sections 313, 120-B I.P.C., Section 15 (3) of Medical Council Act and 5(2) of Medical Termination of Pregnancy Act, 1971, Police Station- Khakhreru, District-Fatehpur, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is neither named in the F.I.T. nor any doctor running the hospital where the alleged abortion of the victim took place. The name of the applicant came into light during investigation in the statement of the victim under Section 161 and 164 Cr.P.C., however, there is material contradiction in the statements. It is further contended before the abortion at the hospital, the main-accused Sachin Singh Patel had given the victim five tablets for abortion. The applicant being lady is entitled for benefit of proviso of Section 437 Cr.P.C. It is lastly contended that Sachin Singh Patel, has been granted bail by coordinate Bench of this Court vide order dated 10.5.2023 in Crl. Misc. Bail Application No. 21032 of 2023. The applicant is in jail since 07.08.2023, having no criminal history. In case she is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the High Court Legal Services Committee and learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than three months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, 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- **Malti Yadav**, involved in aforesaid case be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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;
- (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

S.Verma