

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10966 of 2023

Applicant :- Abha Singh

Opposite Party :- State Of U.P. .And Another

Counsel for Applicant :- Mayank Bhushan Nath Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Mayank Bhushan Nath Tripathi, learned counsel for the applicant and Sri Pranshu Kumar, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.141 of 2020, registered under Sections 406, 419, 420, 506 and 120B IPC at Police Station- Cantt, District Gorakhpur with a prayer to enlarge her on anticipatory bail.
4. As per prosecution story, the husband of the applicant Brijesh Kumar Singh @ B.K. Singh had entered into an agreement with the informant to sell the house, which was in the name of the applicant, for a consideration of Rs.80 lakhs and an advance of Rs.11 lakhs was given to the applicant and her husband.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. She is a lady and a house wife and has nothing to do with the said offence. Learned counsel has further stated that she has been made an accused only on the basis of the fact that she is the owner of the said house. All the dealings have been done by her husband Brijesh Kumar Singh @ B.K. Singh. The money transferred to the account of the applicant, if any, has also been done at the behest of her husband. Learned counsel has further stated that the case of the applicant is at a different footing to her husband Brijesh Kumar Singh @ B.K. Singh.
6. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against her. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There are no criminal antecedents of the applicant. The applicant has apprehension of her arrest. Learned counsel

for the applicant undertakes that she has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

8. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "***Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1***". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

9. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Abha Singh** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial 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). that the applicant shall make herself available for interrogation by a police officer as and when required;
- (ii). that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicant shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
- (v). that the applicant shall not pressurize/ intimidate the prosecution witness;
- (vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
- (vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

10. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 12.10.2023
Ravi Kant

(Krishan Pahal, J.)