

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10962 of 2023

Applicant :- Laxmi Chaudhari @ Vijay Laxmi

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Chandra Singh

Counsel for Opposite Party :- G.A., Raj Kiran Chaudhary

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Mr. Satish Chandra Singh, learned counsel for the applicant, learned Additional Government Advocate for the State and Mr. Raj Kiran Chaudhary, learned counsel for the informant.

2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.039 of 2023, under Sections 498-A, 304-B IPC and 3/4 D.P. Act, Police Station Dhebarua, District Siddharth Nagar.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the present case just to harass the applicant. The applicant has never committed any offence as alleged in the impugned FIR. The applicant is the mother-in-law of the deceased. She is living separately from her son. He further submits that named co-accused Jeet Bahadur Chaudhari, who is father in law, has already been granted anticipatory bail by this Court vide order dated 20.09.2023 passed in Criminal Misc. Anticipatory Bail Application No.9981 of 2023, copy of the same has been placed on record. The applicant is having no previous criminal history.

4. Learned A.G.A. has opposed the prayer for anticipatory bail of the applicant but could not dispute the aforesaid fact.

5. Hence without expressing any opinion on the merits of the case and considering the nature of accusations and antecedents of applicant, he is directed to be enlarged on anticipatory bail as per the Constitution Bench judgment of the Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98***. The future contingencies regarding anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

6. In the event of arrest, the applicant shall be released on anticipatory bail. Let the applicant-**Laxmi Chaudhari @ Vijay Laxmi**, involved in the aforesaid crime be released on anticipatory bail till conclusion of trial on furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(i) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation.

(ii) 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.

(iii) The applicant shall not leave the country during the currency of trial without prior permission from the concerned trial Court.

(iv) The applicant shall surrender her passport, if any, to the concerned Court forthwith. Her passport will remain in custody of the concerned Court.

(v) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

(vi) In case, the applicant misuses the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of **Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98**.

(vii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of her bail and proceed against her in accordance with law.

7. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

8. With the aforesaid observations/ directions, the application is **disposed of**.

Order Date :- 26.10.2023

Ajeet