

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47276 of 2023

Applicant :- Smt Shivani

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Kumar Singh, Mayank Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Vivek Kumar Singh,, learned counsel for the applicant, Sri V.P. Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.316 of 2023, under Sections 307, 323, 457, 504, 506 IPC, Police Station Jahangirabad, District Bulandshahr, during the pendency of trial.
4. As per prosecution story, applicant and co-accused Jeetu along with one unknown person are said to have assaulted the mother of the informant in the morning of 18.06.2023 at about 4:00 A.M. when she objected to their illicit relationship thereby causing several injuries to her.
5. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. Learned counsel for the applicant has stated that injured person was advised to get radiological examination but the same has not been conducted as there is no x-ray report on the record. Learned counsel has stated that injuries are simple in nature. It is further stated that the applicant being lady and daughter-in-law of the injured person has been falsely implicated on the basis of suspicion. 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. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 21.06.2023. In case, the applicant is released on bail, she will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

8. Let the applicant-**Smt Shivani**, who is involved in aforementioned case crime 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming her independent opinion based on the testimony of the witnesses.

Order Date :- 24.11.2023

Mukesh Kr.

(Krishan Pahal,J.)