

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11004 of 2023

Applicant :- Prarthna Asthana

Opposite Party :- State of U.P.

Counsel for Applicant :- Tanmay Sadh, Anuj Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri Tanmay Sadh, learned counsel for the applicant, Sri Ashutosh Srivastava, learned A.G.A. for the State and perused the material placed on record.
4. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.494 of 2021, under Sections 406 and 420 IPC, Police Station Sadar Bazar, District Shahjahanpur, during the pendency of trial.
5. As per prosecution story, the applicant and other directors of the company are stated to have duped several persons to the tune of Rs.3 crores deposited through the informant who was the Divisional Manager in it.
6. Learned counsel for the applicant has submitted that the applicant is a lady and has been falsely implicated in the present case. She has nothing to do with the said offence. Learned counsel has placed reliance on annexure no.3 filed with the anticipatory bail application, whereby the applicant is not on the board of directors in the said company. The applicant was the director in the company till 2016 only and had resigned. Learned counsel has further stated that the criminal history of the applicant has been explained as the proceedings in several FIRs instituted at Uttarakhand have been stayed and the applicant is on anticipatory bail in other cases, as such the applicant is entitled for anticipatory bail.
7. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the FIR has been instituted by the Division Manager of the company and why would he wrongly narrate the fact that the applicant was the director in the company. Learned A.G.A. has further stated that the said

documents have been fudged by the applicant to avoid arrest. She was very much in hand in glove with the co-accused persons. The address of the applicant and one co-accused person Pradeep Kumar Asthana are same and the criminal history of the applicant has not been properly explained as she is not on bail in many of those cases.

8. After hearing learned counsel for the parties and taking into consideration the fact that the applicant was the director in the company till 2016 coupled with the fact that the long criminal history of the applicant has not been properly explained, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10 . It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 28.11.2023
Ravi Kant

(Krishan Pahal, J.)