

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11147 of 2023

Applicant :- Richa Verma And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Garg, Yash Garg

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Yash Garg, learned counsel for the applicants and Sri V.K.S. Parmar, 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 applicants in Case Crime No.240 of 2015, registered under Sections 419 and 420 IPC at Police Station-Shikohabad, District Firozabad with a prayer to enlarge them on anticipatory bail.
4. As per prosecution story, the applicants are stated to have taken a loan from Canara Bank in collusion with the bank manager and are stated to have shown the informant as a guarantor in the said loan, as such his property was also attached being the liquidation proceedings as the said loan account was declared NPA.
5. Learned counsel for the applicants has stated that the applicants have been falsely implicated in the present case. The present FIR tantamounts to forum shopping as earlier on, on similar grounds, FIR No.790 of 2012 was instituted against applicant no.1- Richa Verma and her husband and other family members and the closure report was filed on the basis of a compromise entered between the parties. On similar facts and circumstances, the present FIR has been instituted by the informant in the year 2015. The said FIR is hit by Section 300 Cr.P.C. In the present matter also, the closure report was filed by the police but on the protest, being filed by the informant, further investigation was taken up and the final report (charge-sheet) has been submitted with respect to the applicants and other co-accused persons. Learned counsel has further stated that applicant no.1 was not named in the earlier FIR and the present FIR also. Her name has come up later on during

investigation.

6. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. There are no criminal antecedents of the applicants. The applicants have apprehension of their arrest. Learned counsel for the applicants undertakes that they have co-operated in the investigation and are ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Learned counsel for the applicant has placed reliance on the judgment of Apex Court passed in **Union of India vs. Cipla Limited and Another, (2017) 5 SCC 262**, whereby forum shopping has been termed as disreputable practice.

8. 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 applicants.

9. On due consideration to the arguments advanced by learned counsel for the applicants as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicants, the applicants are 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 applicants shall also be taken care of as per the aforesaid judgment of the Apex Court.

10. In view of the above, the anticipatory bail application of the applicants is allowed. Let the accused-applicants- **Richa Verma** and **Neelam Verma** 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 applicants shall make themselves available for interrogation by a police officer as and when required;
- (ii). that the applicants 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 them from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicants shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicants shall not tamper with the evidence during the trial;
- (v). that the applicants shall not pressurize/ intimidate the prosecution

witness;

(vi). that the applicants 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.

11. 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 :- 17.10.2023

Ravi Kant

(Krishan Pahal, J.)