

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44013 of 2023

Applicant :- Geeta Rani

Opposite Party :- State of U.P.

Counsel for Applicant :- Mithilesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard Sri Mithilesh Kumar Tiwari, learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 575 of 2023, under Sections 420, 409 I.P.C., Police Station Quarsi, District Aligarh, during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant is an unmarried girl. She was not named in the first information report and has been falsely implicated in the instant case. The applicant was appointed on the post of Single Window Operator-A (SWO-A) Clerk in Central Bank of India vide appointment letter dated 22.05.2022. The applicant has not cleared or transferred any fund from the account of the informant. Further, the amount has been credited in the account of one Saurabh Gupta. The applicant is not the beneficiary of the illicit transaction. The name of the applicant was disclosed by the Manager of the bank in another case. The said statement, insofar as it implicates the applicant, is unreliable. The case of the applicant is clearly distinguishable from that of other co-accused. Prior to the instant case the applicant does not have any criminal history, however, after her arrest she has been implicated in other cases. The applicant is in jail since 04.07.2023 and if she is released on bail, she will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that no amount has been credited in her account and she is not beneficiary of the illicit transaction. Moreover, the applicant is a lady and has remained

confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Geeta Rani**, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that she:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 28.10.2023

Lbm/-