

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44133 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 Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Mithilesh Kumar Tiwari, learned counsel for the applicant and Sri Anil Kumar Mishra, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 573 of 2023, under Sections 420, 409 of I.P.C., Police Station- Quarsi, District- Aligarh, during the pendency of trial.
4. As per prosecution story, some wrong transferred amount was observed by the informant from his current Account No. 3882330997 in Naurangabad, GT Road branch of Central Bank of India at Aligarh. When he enquired about it from the Branch Manager, he asked him to give a signed blank cheque, which was deposited by him in the account of one Anant Agency and as such had transferred the amount of Rs. 4,50, 000 to it from the account of the informant. As such the Branch Manager and the Proprietor Radha Sharma of M/s Anant Agency were made accused.
5. Learned counsel for the applicant has stated that she has nothing to do with the said offence and she is not named in the FIR. She has been nominated on the basis of she being the Clearing Clerk in the Bank. He further stated that the applicant has authority to clear cheques up to an amount of Rs. 15,000/- only. As such she has forwarded such cheques for clearance to the Branch Manager. The offence committed, if any, may be by Branch Manager only. The applicant has no previous criminal history. As such, five cases have been foisted upon her at the time of arrest in the present matter. The applicant has been enlarged on bail which has been annexed as Annexure No. 14. In support of his submission, learned counsel has placed much reliance upon the judgement of

Prabhakar Tewari Vs. State of U.P. and Another, 2020 (11) SCC 648, the Apex Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail. The applicant is languishing in jail since 04.07.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and considering the complicity of accused, severity of punishment, at this stage, 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- **Geeta Rani** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- i. The applicant will not tamper with the evidence during the trial.
- ii. The applicant will not pressurize/ intimidate the prosecution witness.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- v. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. 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 his independent opinion on the testimony of the witnesses.

Order Date :- 28.10.2023

Mohini

(Krishan Pahal, J.)