

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11542 of 2023

Applicant :- Smt. Meshar Jahan And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Sushil Kumar Mishra,Rajneesh
Sharma,Randhir Jain

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicants and learned Additional Government Advocate for the State.
2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No. 0342 of 2023, under sections 498-A, 323, 307, 504, 506 IPC and Section 3/4 of D. P. Act, P.S. Naugawan Sadat, District Amroha during the pendency of trial.
3. Learned counsel for the applicants submits that applicants have been falsely implicated in the present case. Learned counsel for the applicants submits applicants are mother-in-law and father-in-law of the victim and they live separately from the victim and her husband. It is further submitted that they are having no concern with the allegation levelled against them and false allegations have been levelled in the FIR. It is further submitted that from the material collected during investigation, it is established that the victim caught fire while preparing food. It is further submitted that the victim was brought to the hospital by her father-in-law on getting information that the victim caught fire by breaking open the door of the room. It is further submitted that the victim herself moved an affidavit before the Sessions Court wherein it is stated that the matter has been settled between the parties. The applicants are having definite apprehension that they may be arrested by the police any time.
4. Learned AGA has opposed the prayer for bail, but could not dispute the said facts.
5. Hence without expressing any opinion on the merits of the

case and considering the nature of accusations and antecedents of applicants, they are directed to be enlarged on anticipatory bail as per the Constitution Bench judgment of the Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98***. The future contingencies regarding anticipatory bail being granted to applicants shall also be taken care of as per the aforesaid judgment of the Apex Court.

6. In the event of arrest, the applicants shall be released on anticipatory bail. Let the applicants Smt Meshar Jahan and Idrish involved in the aforesaid crime be released on anticipatory bail on each of them furnishing a personal bond of Rs. 50, 000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(1) The applicants shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(2) 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; and

(3) The applicants shall not leave the country during the currency of trial without prior permission from the concerned trial Court.

(4) The applicants shall surrender their passport, if any, to the concerned Court forthwith. Their passport will remain in custody of the concerned Court.

(5) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicants.

(6) In case, the applicants misuse the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC***

98.

(7) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of their bail and proceed against them in accordance with law.

7. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

8. With the aforesaid observations/ directions, the application stands **disposed of**.

Order Date :- 18.10.2023

RavindraKSingh