

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44715 of 2023

Applicant :- Swati Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Veerendra Kumar Shukla, Arvind Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Arunendra Pratap Singh, Advocate holding brief of Sri Veerendra Kumar Shukla, learned counsel for the applicant, Sri R.P. Patel, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.785 of 2023, under Sections 394, 120-B IPC, Police Station North, District Firozabad, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR. The name of the applicant has come up in the statement of arrested co-accused persons Vaibhav Garg and Abhishek Garg, which is not admissible in evidence. There is no recovery from the possession of the applicant. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against her. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 25.9.2023. In case, the applicant is released on bail, she will not misuse the liberty of bail.
5. Learned A.G.A. has vehemently opposed the bail application.
6. After hearing learned counsel for the parties and taking into consideration that name of the applicant has come up in the confessional statement coupled with the fact that there is no

recovery from the applicant, and 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***.

7. Let the applicant- **Swati Gupta**, who is involved in aforementioned case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. 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 her independent opinion based on the testimony of the witnesses.

Order Date :- 31.10.2023

Vikas

[Krishan Pahal, J.]