

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45130 of 2023

Applicant :- Sushma

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhiraj Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Dhiraj Kumar Pandey, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.181 of 2023, under Sections 363, 368 IPC, Police Station Janakpuri, District Saharanpur, during the pendency of trial.
3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. Though the FIR had been lodged under Section 363 IPC but the charge-sheet has been submitted against the applicant under Section 368 IPC. It is also contended that the alleged new born baby was not stolen by the applicant. The child was taken away by the co-accused, Asha Rani @ Ashu who came to the house of the applicant for shelter but when she came to know that the child with the co-accused was stolen by her, she ousted the co-accused not to provide shelter in her house. It is also contended that the applicant has also helped the police to recover the baby from the co-accused. There is no previous criminal history of the accused. There is no likelihood of her abscondence or tampering with the evidence. The applicant is in jail since 17.08.2023. In case the applicant is enlarged on bail, she will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.
5. Considering the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sushma**, 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 the 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;

(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 :- 22.11.2023

Shahroz