

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45663 of 2023

Applicant :- Mithlesh Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Pragya Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been moved on behalf of the applicant with a prayer to enlarge her on bail in Case Crime No.702 of 2017, under Sections 406, 420, 506 IPC, Police Station Farah, District Mathura, during pendency of the trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. The applicant was only a shareholder of the Kalpataru Build Tech. Corporation Pvt. Ltd. She was neither director nor agent nor any authorized signatory in the alleged company; she was implicated because of her being wife of the director of the alleged company who died on 16.04.2021. It is further contended that no active participation, direct or indirect, on the party of the applicant has been established. It is also contended that after the alleged incident several cases have been registered against the applicant for which the applicant has no concern. There is no likelihood of her abscondence or tampering with the evidence. The applicant is languishing in jail since 15.03.2023. In case the applicant is released on bail, she will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid factual aspects raised by the counsel for the applicant.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than eight months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on

bail, would either temper with the evidence or delay the trial or intimidate the witness, 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 - **Mithlesh Singh**, involved in the aforesaid 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 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 :- 5.12.2023

S.Verma