Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45629 of 2023

Applicant :- Mithlesh Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Pragya Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard Sri Rakesh Kumar Singh, Advocate assisted by Ms. Pragya Pandey, learned counsel for the applicant and Sri Prateek Tyagi, learned AGA for the State-respondent.

2. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 174 of 2017, under Sections 406, 420, 467, 468, 471, 120-B IPC, Police Station Farah, District Mathura, charge sheet/final report dated 06.04.2023, under Sections 406, 409, 420, 467, 468, 471, 120-B IPC, during the pendency of trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report. The applicant is neither the director nor the shareholder of the company known as Kalptaru India Limited, Aurangabad, Agra Road, Mathura. The applicant being wife of the named co-accused Jai Krishna Singh Rana, has been falsely implicated in the instant case. The applicant had no role to play in the day to day affairs of the said company nor in making of any policy decision. At this stage, there is no cogent evidence to link the applicant with the offence. It is next contended that number of first information reports were lodged on similar allegations and this Court vide order dated 02.11.2023 granted bail to the applicant in thirteen applications. The leading case being Criminal Misc. Bail Application No. 46445 of 2023 (Mithlesh Singh Vs. State of U.P.). The allegations being similar, the applicant is entitled to be released on bail in the present case. The applicant is in jail since 15.03.2023 and in case she is enlarged on bail, she will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant had no role

to play in the day to day affairs of the alleged company nor in making of any policy decision. At this stage, there is no substantive evidence against the applicant to link her with the offence. Further, on similar allegations, this Court has granted bail to the applicant in number of matters leading case being Criminal Misc. Bail Application No. 46445 of 2023 (Mithlesh Singh Vs. State of U.P.) vide order dated 02.11.2023. The applicant is a lady and has remained confined for more than eight months and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper 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 be released on bail on her furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:
(i) the applicant shall not temper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witness;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(iv) the applicant shall surrender her passport, if any, with the trial court and shall not leave the country without the permission of the trial court; and,

(v) The applicant shall inform the I.O. about the location whereof the applicant is staying on the first day of every month and shall cooperate with the trial.

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 :- 17.11.2023
Lbm/-

Digitally signed by :-
LAL BAHADUR MAURYA
High Court of Judicature at Allahabad