

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45732 of 2023

Applicant :- Munni Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Mishra, Tanya Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard Mr. Sushil Kumar Pandey, learned Counsel for the applicant and learned A.G.A. 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. 123 of 2021, under Sections 420, 467, 468, 471 I.P.C., and Section 4 Prevention of Damage to Public Property Act, Police Station- Mangalpur, District- Kanpur Dehat, during pendency of the trial.

3. Counsel for the applicant contends that applicant has been falsely implicated in the instant case. The applicant has not instituted any suit in the court of Civil Judge, Senior Division, Kanpur Dehat. The applicant has no concern with the disputed property nor she is in possession of the same. It is next contended that identically placed co-accused, Ravindra Kumar has been granted bail by the trial court in Bail Application No. 2239 of 2023 vide order dated 15.06.2023. The applicant claims parity. The applicant is a lady and is in jail since 09.10.2023, and in case she is enlarged on bail, she will not misuse the said liberty.

4. Learned A.G.A. 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 at this stage there is no substantive evidence against the applicant. Identically placed co-accused, Ravindra Kumar has been granted bail by the trial court. Further, the applicant is a lady and has remained confined since 09.10.2023, 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- **Munni Devi**, 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; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 6.11.2023

Mohini