

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11858 of 2023

Applicant :- Manju Singh Yadav

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Harsh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicant and learned Additional Government Advocate for the State.
2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No. 172 of 2022, under section 306 IPC, P.S. Dhoomanganj, District Prayagraj, during the pendency of trial.
3. As per contents of the FIR, son of the informant was working in DRM Office, Railway Prayagraj and was residing on rent in the house of one Shiv Prakash Srivastava, and it is alleged that all the named accused persons, lured him into their love trap and convinced him for marriage with one Parul, daughter of applicant, after which the son of the informant bought a house in District Fatehpur and payment of which has been made by son of the informant and the house was got mutated in the name of Parul and after the registration of the house, accused Gulab Singh, his daughter Parul, brother of Parul, namely, Rahul and mother of Parul i.e. the applicant refused to marry with the intention to grab the house. It is further alleged that son of the informant demanded his money back as a result of which dispute arises between them. It is further alleged that on 28.3.2022, son of the informant went to Fatehpur and when asked for his money back he was tortured and thereafter he returned and on 29.03.2022 committed suicide.
4. Learned counsel for the applicant submits that applicant is a lady and has been falsely implicated in the present case. Learned counsel for the applicant submits that incident took place on 29.3.2022 and the FIR has been lodged after two days of the incident on 31.3.2023 implicating all the family

members. It is contended that applicant is 40 % disable person and the disability certificate is annexed as Annexure No. 4 to the bail application. It is further submitted that applicant is patient of cancer and her treatment is going on in Kamla Nehru Hospital Allahabad. It is further submitted that there is no allegation of abetment against the applicant. It is further submitted that the case of death is asphyxia antimortem hanging as per report of the postmortem. It is further submitted that general allegations have been levelled against all the accused persons. The applicant is having definite apprehension that he may be arrested by the police any time. It is further submitted that the investigation is still pending and no charge sheet has yet been filed. There is no credible evidence found against the applicant.

5. Learned AGA has opposed the prayer for bail, but could not dispute the said facts.

6. Hence without expressing any opinion on the merits of the case and considering the nature of accusations and antecedents of applicant, he is directed to be enlarged on anticipatory bail as per the Constitution Bench judgment of the Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98***. The future contingencies regarding anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

7. In the event of arrest, the applicant shall be released on anticipatory bail. Let the applicant Manju Singh Yadav involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(1) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(2) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(3) The applicant shall not leave the country during the

currency of trial without prior permission from the concerned trial Court.

(4) The applicant shall surrender his passport, if any, to the concerned Court forthwith. His passport will remain in custody of the concerned Court.

(5) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

(6) In case, the applicant misuses the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98.***

(7) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

8. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

9. With the aforesaid observations/ directions, the application stands **disposed of.**

Order Date :- 30.10.2023

RavindraKSingh