

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48191 of 2023

Applicant :- Tahjibunnisha

Opposite Party :- State of U.P.

Counsel for Applicant :- Sandeep Kumar Chaturvedi

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. By means of this bail application, applicant seeks bail in Case Crime No.183 of 2023 under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station Kotwali, District Maharajganj, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Sadaruddin has already been enlarged on bail by a coordinate Bench of this Court vide order dated 25.07.2023 passed in Criminal Misc. Bail Application No.26147 of 2023. Learned counsel for applicant contended that applicant is a lady she has not known the nature of the case and not known that any sale deed is being executed in her name by playing fraud by her mother-in-law. He further contends that there is no criminal history of the applicant and she is entitled to the benefits of provision of Section 437 Cr.P.C. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 24.08.2023 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 regard to 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 - **Tahjibunnisha**, 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 he:

- (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 :- 8.11.2023

Imtiyaz