

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47997 of 2023

Applicant :- Smt Mamta @ Bhoori

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Vishvakarma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Arun Kumar Vishvakarma, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.17 of 2022, under Section 308 IPC, Police Station Chitrahata, District Agra, during the pendency of trial.
3. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further contended that though there are two fractures on the occipital and parietal region and also haemorrhage was found there but the victim has stated that the injuries were caused by the co-accused, Bhupendra @ Bhure not the present applicant. He, therefore, argued that the role of causing injury to the injured has not been assigned to the applicant. The applicant has no previous criminal history. There is no likelihood of her abscondence or tampering with the evidence. The applicant is in jail since 29.09.2023. In case she is enlarged on bail, she will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have 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 - **Smt Mamta @ Bhoori**, involved in the aforesaid case 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 :- 29.11.2023
Shahroz