

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47935 of 2023

Applicant :- Smt Neelam Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA; Shri Anil Kumar Pathak, learned counsel for the informant and perused the record.

2. In terms of the FIR, it was alleged that the husband of the applicant had executed a sale-deed earlier and knowing the said fact, has executed a sale-deed again in favour of the informant, thus, in sum and substance, the allegations were levelled against the husband of the applicant. The sale-deed is on record which transpires that the applicant is neither a signatory nor vendor nor a witness and thus, *prima-facie*, linking of the applicant with the offence in question only because she is the wife, is not justified.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the allegations were levelled against the husband of the applicant in the FIR and the applicant is neither a signatory nor a witness to the sale-deed and she has been implicated only because she is the wife, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Smt Neelam Singh*** be released on bail in FIR No.248 of 2022, under Section 420, 467, 468, 471, 120B, 34 IPC, P.S. Kotwali, District Kanpur Nagar on her furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which she is accused or suspected of the commission; and
- (c) 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 or tamper with the evidence.

Order Date :- 8.11.2023

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