

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 48427 of 2023

**Applicant :-** Harveji

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Paritosh Sukla,Prakhar Shukla

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vivek Varma,J.**

1. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-opposite party.
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. 357 of 2023, under Sections 420, 467, 448, 506 and 471 of I.P.C., Police Station- Quarashi, District- Aligarh, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the present case. The applicant is neither the vendor/ vendee nor the marginal witness of the alleged sale deed dated 06.08.2018. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. The sale deed was executed by Chote Lal in favour of the Anil Kumar. The applicant is a lady and is in jail since 21.09.2023, having no criminal history 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 heard counsel for the parties and having perused the record this Court prima facie finds that the applicant is neither the vendor/ vendee nor the marginal witness of the alleged sale deed dated 06.08.2018. No amount has been credited in the account of the applicant. At this stage, there is no substantive evidence against the applicant. Further, the applicant is a lady and has no criminal antecedents, and has remained confined for more than two months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on

bail.

6. Let the applicant **Harveji**, 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 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 :-** 6.12.2023

Sachin Mishra