

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51900 of 2023

Applicant :- Smt. Seema Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Lavlesh Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri L.K. Sharma, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 161 of 2023, under Sections 147, 306, 384, 389, 504, 506 IPC, Police Station- Nawabad, District- Jhansi, during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and five others on 27.04.2023 and according to the FIR, applicant and other accused persons used to demand money of Rs. 5 lacs from the son of the informant and also threatened him to implicate him in false criminal cases and on 26.04.2023 they again demanded money from him and threatened him and due to their threatening, he committed suicide by hanging himself.

4. Learned counsel for the applicant submitted that on the basis of vague and general allegation, applicant, who is lady, has been made accused in the present matter. He further submitted that however, entire allegation made against her is totally false and baseless but even if it is accepted then also it cannot be said that due to abatement of the applicant, deceased committed suicide.

5. He further submitted that applicant is lady and she is not having any criminal history and is in jail since 02.05.2023.

6. He further submitted that co-accused Gyan Singh has been released on bail by co-ordinate Bench of this Court and his bail order has been annexed alongwith the instant bail application and case of applicant is even on better footing than co-accused Gyan Singh.

7. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that even if entire allegation made against the applicant in the FIR is accepted then also prima facie it cannot be said that due to abatement of the applicant, deceased committed suicide and applicant is a lady and co-accused Gyan Singh has been released on bail, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant- **Smt. Seema Yadav** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 4.12.2023

KK Patel