

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12692 of 2023

Applicant :- Sunita

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Sunil Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Sunil Kumar Dwivedi, learned counsel for the applicant, Sri Raghuvansh Mishra, learned counsel for the informant and Sri Anit Kumar Shukla, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.0182 of 2023, registered under Sections 420, 467, 468 and 471 IPC at Police Station- Aurangabad, District Bulandshahar with a prayer to enlarge her on anticipatory bail.
4. As per prosecution story, the co-accused person Chandrapal, as an authorized signatory, is stated to have illegally sold several plots belonging to the company to the applicant and other co-accused persons and had usurped the said amount.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant herself is a victim of the said offence committed by co-accused person Chandrapal. A cancellation suit has been filed by the informant regarding the said sale deed executed in favour of the applicant and the applicant has filed a written statement in the said suit accepting the allegations levelled and has also claimed that she has no interest in the said plot, as such the sale deed may be cancelled.
6. Learned counsel for the applicant undertakes that he shall claim no rights on the said plots. The applicant, being a lady and being a victim, is entitled for anticipatory bail having no criminal antecedents to her credit. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against her. The circumstances which, as per counsel, led to the false implication of the

applicant have also been touched upon at length. The applicant has apprehension of her arrest. Learned counsel for the applicant undertakes that she has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned counsel for the informant has not disputed the said facts of regarding the civil suit and has stated that he has no objection if he abides by the undertaking.

8. Learned A.G.A. has also opposed the anticipatory bail application.

9. The case of the applicant stands distinguished to the co-accused person Chandrapal.

10. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A., taking into consideration the said pendency of the civil suit coupled with the fact that the applicant is a lady having no criminal antecedents to her credit, and considering the nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "***Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1***". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

11. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Sunita** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial 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). that the applicant shall make herself available for interrogation by a police officer as and when required;
- (ii). that 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 her from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicant shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
- (v). that the applicant shall not pressurize/ intimidate the prosecution witness;
- (vi). that the applicant shall appear before the trial court on each date fixed

unless personal presence is exempted;
(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

12. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 29.11.2023

Ravi Kant

(Krishan Pahal, J.)