Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50744 of 2023

Applicant :- Smt Reeta Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Deepak Kumar Singh,A Kumar Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 698 of 2017, under Sections 120B, 406, 409, 420, 467, 468, 471 I.P.C., Police Station Farah, District Mathura during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. The applicant was the Director of the Kalpataru Mega Mart Company. She had never been the Director of the Kalpataru Build Tech Corporation Company Ltd. She was only the share-holder of the said company. As such, she had no role in the day-to-day affairs as well as policy decision of the said company. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. She has been falsely implicated in the instant case because of being the sister-in-law of the named accused. The role of the applicant is clearly distinguishable from that of the Directors of the Kalpataru Build Tech Corporation Company Ltd. The criminal history of the applicant has been explained in Paragraph-18 of the affidavit. The applicant is a lady and is in jail since 11.01.2023. In case she is enlarged on bail, she will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant had never been the Director of Kalpataru Build Tech Corporation Company Ltd. No amount has been credited in the account of the applicant.

Moreover, the applicant is a lady and has remained confined for almost ten months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Smt. Reeta Singh, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two heavy 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; and,

(iv) shall not leave the country without prior permission of the trial court.

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 :- 28.11.2023
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad