

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13254 of 2023

Applicant :- Nisha Rani And 2 Others

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

Counsel for Applicant :- Gaya Prasad Mishra, Shikher Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Shikher Trivedi, learned counsel for the applicants and Sri R.P. Patel, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application qua applicant no.-3 Mamta stands **dismissed** being not pressed.
4. The present anticipatory bail application is being decided with respect to applicant nos.1 and 2, namely, Nisha Rani and Kumari Tanya.
5. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.0138 of 2023, registered under Sections 498-A, 354, 323, 504, 506, 307, 313, 452 IPC and 3/4 D.P. Act at Police Station- Chandaus, District Aligarh with a prayer to enlarge them on anticipatory bail.
6. Learned counsel for the applicants has stated that applicant no.1 is the mother-in-law and applicant no.2 is the sister-in-law of the victim and have been falsely implicated in the present case. There are general allegations against all the co-accused persons. There is no medical report to corroborate the prosecution story. As far as the medical termination of pregnancy of the victim is concerned, in the opinion of the doctor, she had recovered and she is stated to be fit on the date of examination.
7. Learned counsel for the applicants has further stated that there are no criminal antecedents of the applicants. The applicants have apprehension of their arrest. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at

length. Learned counsel for the applicants undertakes that they have co-operated in the investigation and are ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

8. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicants.

9. On due consideration to the arguments advanced by learned counsel for the applicants as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicants, the applicants are 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 applicants shall also be taken care of as per the aforesaid judgment of the Apex Court.

10. In view of the above, the anticipatory bail application of the applicants is allowed. Let the accused-applicants- **Nisha Rani** and **Kumari Tanya** 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 applicants shall make themselves available for interrogation by a police officer as and when required;
- (ii). that the applicants 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 them from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicants shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicants shall not tamper with the evidence during the trial;
- (v). that the applicants shall not pressurize/ intimidate the prosecution witness;
- (vi). that the applicants 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.

11. 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 :- 01.12.2023
Ravi Kant

(Krishan Pahal, J.)