

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13114 of 2023

Applicant :- Indu Singh

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

Counsel for Applicant :- Suraj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri Suraj Kumar Singh, learned counsel for the applicant, Sri Satendra Kumar Pandey, Advocate holding brief of Sri Ranvijay Singh, learned counsel for the informant and Sri Shakil Ahmad, learned A.G.A. for the State as well as perused the record.
4. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.29 of 2023, registered under Sections 420, 467, 468, 471, 504, 506 and 406 IPC at Police Station- Manduadeeh, District Varanasi with a prayer to enlarge her on anticipatory bail.
5. As per prosecution story, the applicant and her husband Manoj Kumar Singh are stated to be the Directors of Inflight Airways Training Private Limited and are stated to have entered into an agreement with the State of U.P. as an authorized company to train students under Uttar Pradesh Kaushal Vikas Yojna for the years 2015-18. The applicants are stated to have given the said authority to the informant and other persons, thereby had duped them of money running into multiple of lakhs and had retained the said amount themselves.
6. Learned counsel for the applicant has stated that the applicant is a lady and has been falsely implicated in the present case. The FIR is delayed by about five years and there is no explanation of the said delay caused. Learned counsel has placed much reliance on paragraph 11 of the FIR, whereby it is stated that the matter is old one as such they can only institute the FIR on the orders of the Court. Learned counsel has further stated that the applicant has not entered into franchisee agreement or subcontracted the said job to the informant or

other persons. Learned counsel has further placed much reliance on paragraph 6 of the agreement with the State of U.P., which reads as under;

"6. Subcontracting or Franchising

6.1. PTP shall not subcontract the conduct of training

6.2. PTP shall not operate the training centres via a franchisee arrangement"

7. Learned counsel for the applicant has further stated that the applicant and her husband had engaged the informant as Manager at the said centre and it was not possible for them to run all the centres in the five districts allocated to them. The said agreement is with Amit Kumar Singh, another victim, and not with the informant. The company of the applicant had taken the premise of the informant on rent and their rental agreement has been annexed as SA-1 to the supplementary affidavit filed in Court today, which indicates that the centre was taken on rent @ Rs.5,000/- per month w.e.f. 15.12.2014. Learned counsel has further stated that the informant had tried to take ransom from the applicant, as such the FIR No.146 of 2022 was instituted against the informant and other persons on 26.05.2022, although the allegations under Sections 386 and 354 I.P.C. have not been found correct and the final report (charge-sheet) has been submitted under Sections 504 and 506 I.P.C. The instant FIR is a counterblast to the said FIR. The husband of the applicant is in jail.

8. 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 investigation is going on. There are no criminal antecedents of the applicant. 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.

9. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that the said agreement is a fudged document and no registration fees has been paid at the office of Sub-Registrar, as such she has caused loss to the State Exchequer. Learned counsel for the informant has further stated that the applicant is hand in glove with her husband and is not entitled for anticipatory bail. .

10. The case of the applicant stands distinguished to her husband Manoj Kumar Singh, who is the active partner in the company.

11. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A., taking into consideration the fact that the matter pertains to financial dispute between the parties, 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.

12. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Indu Singh** 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.

13. 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 :- 8.12.2023

Ravi Kant

(Krishan Pahal, J.)