

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51615 of 2023

Applicant :- Nirmla Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravi Prakash Singh Yadav, Arvind Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, 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. 198 of 2023, under Sections 147, 148, 323, 504, 506, 325, 326, 307, 34 I.P.C., Police Station Saidpur, District Ghazipur, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. As per the allegations in the first information report, seven accused persons including the applicant are alleged to have assaulted the son of the informant. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender, who caused injury on the head of the injured. It is next contended that identically placed co-accused Deepak Yadav and Nagendra Yadav have been granted bail by this Court vide order dated 16.11.2023 passed in Criminal Misc. Bail Application No. 45378 of 2023. The applicant claims parity. The applicant is a lady and is in jail since 20.10.2023 having no criminal history and if she is released on bail, she will not misuse the said liberty.

4. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury on the head of the injured. Identically placed co-accused Deepak Yadav and Nagendra Yadav have been granted bail by this Court. The applicant is a lady and has no criminal antecedents. Further, the applicant has remained confined for more than one month 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be

enlarged on bail.

5. Let the applicant- **Nirmla Yadav**, involved in the aforesaid case be released on bail on her furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

6. 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 :- 2.12.2023

Lbm/-