

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52995 of 2023

Applicant :- Shikha Baghel

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Vijit Saxena, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 01 of 2021, under Sections 302 and 120-B IPC, Police Station Basauni, District Agra, during pendency of the trial in the court below.
3. FIR of the present case was lodged against two named and one unknown person (non applicant) and according to the FIR in the night of 3rd January, 2021, father of the informant was murdered by named accused persons.
4. Learned counsel for the applicant submitted that the applicant was not named in the FIR and during investigation, her complicity was revealed through the statement of nephew of the deceased- Abhishek and he stated that co-accused Rishikesh was having illicit relationship with the wife of the deceased i.e. applicant and co-accused Rishikesh committed the murder and applicant also conspired in the commission of the instant crime.
5. He further submitted that the bail application of co-accused Rishikesh has already been allowed by this Court vide order dated 26.6.2023, copy of the bail order has been annexed as annexure-10 to the affidavit and case of the applicant is even on better footing than him.
6. He further submitted that applicant is having no criminal history and she is in jail in the present matter since 7.2.2021, i.e. for last more than two and half years.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.
8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that during investigation, name of the applicant was revealed and only allegation of conspiracy has been made against her and co-accused Rishikesh has already been released on bail and applicant is in jail for last more than two and half years, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant- **Shikha Baghel**, be released on bail in the aforesaid case 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) The applicant shall appear before the trial court on the dates fixed, unless her personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 11.12.2023

Ankita