

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1379 of 2023

Applicant :- Smt. Deep Mala Dubey And Another

Opposite Party :- The State Of U.P. Thru. Prin. Secy. Home
Lko.And Another

Counsel for Applicant :- Shashank Singh,Ritu Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms Rubi Chaudhary, holding brief of Sri Shashank Singh, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. By means of instant application filed by the applicants are seeking anticipatory bail in F.I.R. bearing Case Crime No. 375 of 2021, under Sections 454, 380 I.P.C., registered at Police Station Thakurganj, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 06.07.2021, alleging commission of theft in a house.

4. In the affidavit filed in support of the anticipatory bail application, it has been stated that the applicants are innocent and they have been implicated falsely in the present case.

5. In the affidavit filed in support of the anticipatory bail application, it has been stated that the aforesaid Sub-Inspector is keeping animosity against the applicants for the reason that the applicants are reporters and they had recorded a brutal incident wherein the aforesaid Sub-Inspector had beaten up a women in custody and for this reason, he has implicated the applicants falsely in the aforesaid recovery and on the basis thereof, he has implicated the applicants in 11 more cases.

6. The learned counsel for the applicants has submitted that the applicants have been granted anticipatory bail in Case Crime No. 742 of 2021 by means of an order dated 24.05.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1232 of 2023. The applicants have been implicated in the present case after their implication in the aforesaid case Crime No. 742 of 2021. On the basis of the applicants' involvement in

case Crime No. 742 of 2021 they were implicated in another case bearing Case Crime No. 665 of 2021 and in that case also the applicants have been granted anticipatory bail by means of order dated 30.06.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1461 of 2023.

7. The learned A.G.A. has opposed the prayer for anticipatory bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that on the basis of the applicants' involvement in one particular case, they have been implicated in 11 other cases; that in Case Crime No. 742 of 2021, Case Crime No. 665 of 2021 and Case Crime No. 715 of 2021, the applicants have been granted anticipatory bail by this Court; that the applicants have pleaded animosity against the informant of Case Crime No. 742 of 2021; I am of the view that the applicants are entitled to be granted anticipatory bail in the present case also.

9. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of applicant- **Smt. Deep Mala Dubey And Smt. Abida Khatton**, before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(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 him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicants shall not pressurize/ intimidate the prosecution witness;

10. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

Order Date :- 20.11.2023

Renu/-