

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8346 of 2022

Applicant :- Mumtaj Begum

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

Counsel for Applicant :- Surendra Singh, Rajendra Pratap Singh, Vinay Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajendra Pratap Singh, the learned counsel for the applicant as well as Sri Shiv Nath Tilhari, the learned A.G.A.-I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 08 of 2020, under Section 489-B, 489-C, 120-B I.P.C. , registered at Police Station Anti Terrorist Squad, Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 02.11.2020 against two persons, not including the applicant, alleging that on the basis of information received from a mukbhir, the accused persons were arrested and fake currency was recovered from the possession.

4. In their custodial statement, they stated that they had obtained the currency from the applicant and her husband Sadar Ali, who live at Kaliyachak, West Bengal.

5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in another case bearing Case Crime No. 194 of 2009 under Section 120-B, 489-B, 489-C and 34 I.P.C P.S Crime Branch Pushpa Vihar, North, New Delhi, has been disclosed in para 11 of the affidavit, in which she has been granted bail.

6. The learned A.G.A.-I has vehemently opposed the bail application and he has

submitted that during electronic surveillance, several conversations between co-accused Tehseen and the applicant and her husband have been intercepted which established her complexity in commission of the offence along with other co-accused person. He has further submitted that even as per the applicant's own disclosure she is involved in another case of similar nature, which disentitles her to claim bail in the present case.

7. Replying to the aforesaid objection, the learned counsel for the applicant has submitted that the transcript of conversations annexed with the affidavit does not make any mention of anything related with counterfeit currency and it does not establish the applicant's complexity in commission of the offence.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a women and she is languishing in jail since 20.09.2021 and as per the statement made by the learned counsel for the applicant, not even a single witness has been examined till date, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant- Mumtaj Begum** 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 Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 21.11.2023

Preeti.