

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 1217 of 2022

Applicant :- Smt. Mamta

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Lko And 3 Others

Counsel for Applicant :- Dheeraj Awasthi

Counsel for Opposite Party :- G.A.,Dheeraj Awasthi,Manoj Kumar Yadav

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dheeraj Awasthi, learned counsel for the applicant and Sri Anant Pratap Singh, learned A.G.A. for the State and perused the record.

2. The applicant was granted interim anticipatory bail by means of the order dated 28.07.2022 wherein it is recorded that as per prosecution story, the co-accused persons Pappu is stated to have enticed away the minor daughter of the informant on 28.04.2022 at about 7:00 am.

3. Learned counsel for the applicant has argued that the FIR is delayed by about eleven days and there is no explanation of the said delay. He has also referred a complaint filed at Jan Sunwai Kendra and the name of the applicant was found missing from both of them. Learned counsel has further argued that although the statement of the victim recorded under Section 164 Cr.P.C. indirectly refers to the applicant but she has not been named in it. The applicant being a lady has been falsely implicated in the case as the main accused person is the driver of their car. Learned counsel for the applicant undertakes that he will cooperate in the investigation failing which the State can move appropriate application for vacation of the interim protection.

4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for grant of anticipatory bail but unable to dispute the submissions raised by the learned counsel for the applicant.

5. The State has filed a counter affidavit but no such fact has come to

light as would warrant variance of the order passed by this court.

6. A supplementary affidavit has been filed by the applicant annexing therewith a copy of the charge-sheet dated 05.03.2023.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the facts that the applicant was granted interim anticipatory bail in the present case; that the applicant has cooperated in the investigation; that the investigation stands completed and a charge-sheet has already been submitted and the applicant is a woman having no criminal history, the interim order dated 28.07.2022 is made absolute.

8. The anticipatory bail application is **allowed**.

Order Date :- 19.12.2023

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