

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7667 of 2023

Applicant :- Poonam

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

Counsel for Applicant :- Mohd.Mateen,Dharmendra Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Mohd. Mateen, learned counsel for the accused-applicant, as well as Ms. Divya Gupta, learned Additional Government Advocate, and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0137 of 2023, under Sections 392 and 411 IPC lodged at Police Station Kotwali Nagar, District Balrampur.

3. As per version of the FIR, the complainant on 13.05.2023, after getting down from the bus, sat on an e-rickshaw; the present accused-applicant also sat with her minor daughter, aged around two years, in that e-rickshaw, beside the complainant; it is alleged that the accused-applicant snatched Rs.700/- and a gold-chain from the complainant.

4. Learned counsel for the accused-applicant submits that Rs.700/- belonged to the accused-applicant, and the alleged chain was not a gold-chain, but it was a chain, which also belonged to the accused-applicant herself. It is further submitted that it is unbelievable that the accused-applicant, having minor two years daughter on her lap, would snatch Rs.700/- and the gold-chain from the purse of the accused-applicant. It is further submitted that the accused-applicant has

been languishing in jail since 13.05.2023.

5. Looking at the trivial nature of the offence, and the facts of the case, this Court deems it appropriate to enlarge the accused-applicant on bail.

6. Let applicant - **Poonam**, accused of above-mentioned FIR/crime number, be released on bail on **her** furnishing a personal bond and two local and reliable sureties each in the like amount to the satisfaction of the Court concerned with the following conditions, which are imposed in the interest of justice:-

*(i) the applicant(s) shall file an undertaking to the effect that **she** shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;*

*(ii). the applicant(s) shall remain present before the trial court on each date fixed, either personally or through **her** counsel. In case of **her** absence, without sufficient cause, the trial court may proceed against **her** under Section 229-A of the Indian Penal Code;*

*(iii). in case, the applicant(s) misuse(s) the liberty of bail and in order to secure **her** presence proclamation under Section 82 Cr.P.C. is issued and the applicant(s) fail(s) to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against **her** in accordance with law, under Section 174-A of the Indian Penal Code; and*

*(iv) the applicant(s) shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of **her** bail and proceed against **her** in accordance with law.*

[D.K. SINGH, J]

Order Date :- 19.6.2023

MVS/-