

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9091 of 2021

Applicant :- Manju Diskshit

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Chandra, Pradeep Chaurasia, Satya Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri S.P. Mishra, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.178 of 2021, under Sections 406, 420 IPC, registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.02.2021 stating that the applicant had offered to get persons employed on payment of money upon which the informant had paid money for getting several persons employed through the applicant but they were not given the appointment.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and she has been falsely implicated in the present case.
5. The applicant's involvement in four other cases has been disclosed in para 14 of the affidavit filed in support of application in one of which she has been granted bail.
6. The applicant has been granted interim bail by means of the order dated 04.12.2021 subject to the condition that she pays Rs.2,50,000/- within a period of two months from the date of her release but as the applicant could not arrange money for being paid to the informant, she has again been taken into custody and is languishing in jail since 18.07.2023.
7. Learned counsel for the applicant has submitted that trial is yet to commence and even charges have not been framed till date.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the averments made in the FIR itself, *prima facie*, it appears that it was the informant himself, who had tried to get several persons employed through illegal means and the FIR has been lodged after he failed in his endeavour; that the applicant is a women and she could not arrange money for being repaid to the informant even after release on interim bail; that the informant has requested for refund of his money through the FIR without initiating any proceedings for recovery of money and that as per the law laid by Hon'ble Supreme Court in numerous decisions, no condition for repayment of money can be imposed while granting bail to the applicant and without making any observations, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

10. Let the applicant-**Manju Diskshit** 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 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.

Order Date :- 20.11.2023

Renu/-